PLANNING APPLICATIONS FOR 12 AUGUST 2009

Page no.

1 MC2009/0417 Strood South
Outline application for planning permission providing up to 620 units (Use Class C3); up to 10,300 sqm of employment floorspace (Use Classes B1a/b/c, B2 and B8); up to 1,800 sqm of retail floorspace (Use Classes A1 to A5); up to 200 sqm community facilities (Use Classes D1/D2); strategic landscaping, improvements to open space, parking and related infrastructure including works in relation to site preparation, flood defence and land raising.
Land between Roman Way and Knight Road, east of the Medway Valley railway line (Temple Waterfront) , Strood, Rochester, Kent 3

2 MC2009/0583 Rainham Central
Demolition of 25 Swain Road and construction of access road and 8 detached and semi-detached houses with garages, parking and landscaping - resubmission
25 Swain Road Rainham Gillingham ME8 0SN 91

3 MC2009/0645 Luton & Wayfield
Change of use from workshop B1 to place of worship and community centre D2
33-37 Second Avenue Luton Chatham ME4 5AY 105

4 MC2009/0761 Rainham South
Application under Regulation 3 of The Town and Country Planning General Regulations 1992 for a new nursery extension, replacing existing mobile nursery accomodation (resubmission of MC2009/0551)
Mierscourt Primary School Silverspot Close Rainham Gillingham ME8 8JR 117

5 MC2009/0460 River
Construction of dynamic bus station and new public space together with associated highways, drainage and landscaping works
Land at Globe Lane, Military Road and at the Paddock, Chatham Kent 133

6 MC2008/1838 Twydall
Construction of a first floor side extension; new roof to existing side addition and construction of a dormer window to rear to provide additional living accommodation within roof space
36 Featherby Road Gillingham ME8 6AN 170

7 MC2009/0496 Peninsula
Construction of single storey rear extension to facilitate use of existing hardware store as tea and coffee house and relocation of hardware store to rear, new shopfront and 1.8m high access gates and railings to side boundary (demolition of detached store and office)
25 Church Street Hoo ST Werburgh Rochester ME3 9AH 177

8 MC2009/0689 Rochester South & Horsted
Application for approval of reserved matters (landscaping) pursuant to outline permission MC2006/0133 for construction of a 3-bedroomed detached dwelling (demolition of garage)
Land rear of 138 Maidstone Road Chatham ME4 6EL 182

Page no.

9 MC2009/0724 Lordswood & Capstone
Removal of existing garages and construction of six dwellings consisting of three 2 bedroomed and three 3 bedroomed dwellings with associated parking and 1.8m high close board fencing with secured gates
Land adjacent to Hallwood House Kestrel Road Chatham Kent 185

10 MC2009/0777 Strood South
Construction of three 3-bedroomed terraced houses with associated parking (demolition of two pre-fabricated bungalows)
45A and 45B Seagull Road Strood Rochester ME2 2RH 194

BACKGROUND PAPERS

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Information section and Representations section with a report.

Any information referred to is available for inspection in the Planning Offices of the Council at Gun Wharf, Dock Road, Chatham.

1 MC2009/0417

Date Received: 02 April 2009

Location: Land between Roman Way and Knight Road, east of the Medway Valley railway line (Temple Waterfront), Strood, Rochester, Kent

Proposal: Outline application for planning permission providing up to 620 units (Use Class C3); up to 10,300 sqm of employment floorspace (Use Classes B1a/b/c, B2 and B8); up to 1,800 sqm of retail floorspace (Use Classes A1 to A5); up to 200 sqm community facilities (Use Classes D1/D2); strategic landscaping, improvements to open space, parking and related infrastructure including works in relation to site preparation, flood defence and land raising.

Applicant: Mr Simms, Lafarge Cement UK, The Cedars, Holborough Road, Snodland, Kent, ME6 5PW

Agent: Mr A Owen, David Lock Associates Limited, 50 North Thirteenth Street Central Milton Keynes MK9 3BP

Ward: Strood South

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on 12th August 2009.

Recommendation – Approval subject to:-

A) Referral to the Secretary of State under the provisions of Circular 07/99 Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 due to the application being accompanied by an environmental statement and it being a departure from Policy L3 of the Medway Local Plan 2003, that the development is over 150 houses/flats and is on land owned by the Local Authority.

B) The applicant entering into legal agreements to secure:

1) Affordable housing – 25% of the total number of residential units to be provided within the development to be affordable;

2) A contribution of £535,500 towards the maintenance and management of open space within the application site;

3) A maximum contribution of £290,129 towards the development of 1 or more GP Practices in the area of the Keystone Centre;

4) A contribution of £30,000 towards public realm improvements within the area of the Roman Way/Cuxton Road roundabout;

5) A contribution of £100,000 towards improvements to the public realm of Knight Road and the setting of Temple Manor;

6) A contribution of £92,500 towards waste management;

7) A contribution of £53,640 towards the safer routes to school scheme;

8) A contribution of £8,000 towards monitoring costs incurred by the Local Authority in relation to the coordination and monitoring of travel plans;

9) A maximum contribution of £200,000 towards the provision of a shuttle bus service linking the site with Strood Town Centre/Rail Station, Medway City Estate and Chatham Dockside; and

10) A maximum contribution of £10,000 towards the submission and implementation of a car club strategy within the development.

C) The imposition of the following conditions (delegated authority being granted to the Development Control Manager to make minor amendments to the wording of the conditions if considered desirable before the issuing of the permission)

Time Limits

1 The development hereby permitted shall not commence later than whichever is the later of the following dates:-
(i) 2 years from the date of the final approval of the reserved matters set out in condition 3 or, in the case of approval on different dates, the final approval of the last such matter to be approved.

2 Application for approval of the reserved matters stated in condition 3 shall be made not later than 5 years after the date of this outline planning permission.

3 Approval of the details of access, layout, appearance, scale and landscaping (hereinafter called "the reserved matters") for any given phase or sub-phase shall be obtained from the Local Planning Authority in writing before any development is commenced.

4 Applications for the approval of reserved matters in relation to appearance for any part of the site must include the following details:-
(a) Details in plan, section and elevation at a scale of not less than
1:20 unless otherwise agreed in writing by the Local Planning Authority of the typical articulation of the different building types, including details of any cladding, lintels, fenestration and balconies;
(b) Details in plan, section and elevation at a scale not less than 1:20 unless otherwise agreed in writing by the Local Planning Authority of the ground floor elevations of the different building types within the development;
(c) Details in plan, section and elevation at a scale not less than 1:20 unless otherwise agreed in writing by the Local Planning Authority of the ground floor entrances to the different building types within the development; and

(d) Details in plan and section at a scale not less than 1:20 unless otherwise agreed in writing by the Local Planning Authority of any front gardens between the building frontages and the adjoining footway, including details of any bin stores and carports.

Environment Statement/Masterplan

5 The development hereby permitted shall be undertaken in accordance with the Development Framework Plan (David Lock Associates drawing number LAF009/029/C) submitted in support of the application, and the details contained within the Environmental Statement accompanying the planning application or in accordance with any written approval or modification approved in writing by the Local Planning Authority during any subsequent reviews.

6 A masterplan and a programme for masterplan reviews shall be submitted to and approved in writing by the Local Planning Authority no later than the second anniversary of the date of this permission. The masterplan reviews shall be undertaken in accordance with the approved programme or any variation to the programme approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the provisions of the approved masterplan.

7 Prior to commencement of development hereby permitted, development phase plans for each of the two phases as identified on the Phase 1 Plan (David Lock Associates drawing number LAF009/032 Rev D) and Phase 2 Plan (David Lock Associates drawing number LAF009/033 Rev D), shall be submitted to and approved in writing by the Local Planning Authority. Each of the development phase plans shall address the following and form the basis of the subsequent submissions for the approval of reserved matters or other detailed submissions for each phase or sub-phase, subject to any modifications submitted to and approved in writing by the Local Planning Authority:
i) the mix of uses of sub phases of development within the phase;
ii) a scheme to provide a balanced mix of housing (including details of affordable housing provision) by size, density and type and a programme for its development;
iii) the road network and alignment (including road layout and hierarchy and measures for speed restraint), footway and cycleway networks including links to any other phases or sub phases;
iv) proposed landscaping, including any advanced planting, and the phasing for such planting with the landscape masterplan; and
v) Car parking strategy.

Open space/Landscaping

8 Prior to any submission to the Local Planning Authority of any development phase plan pursuant to the requirements of Condition 7, a landscape and open space masterplan for the entire application site shall be submitted to and approved in writing by the Local Planning Authority. The landscape and open space master plan shall address the following:
i) the overall hard and soft landscape framework for the development;
ii) the typical landscaping treatment for the highway network within the application site as a whole;

iii) typical landscaping treatment for the housing areas within the application site as a whole and other use areas within the application site as a whole;
iv) details of the river walk, including the hard and soft landscaping treatment for this facility;
v) typical landscaping treatments for any open space areas;
vi) typical hard and soft landscaping treatments for the community facility and local centre; and
vii) the strategy for the provision of public open spaces, play spaces and amenity areas.
The approved landscape and open space master plan shall be used to inform the subsequent submission of details in these respects within each phase or sub-phase of the development.

9 Prior to the commencement of development hereby permitted in a phase or sub-phase of the development hereby permitted full details of both hard and soft landscape works and any artefacts to be located within the public space of that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. These details shall include existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing; minor artefacts and structures (play equipment, seating, refuse receptacles, planters, tree grilles, any other decorative feature(s), decking, paving and hardstanding material). Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.

10 All hard and soft landscape works shall be carried out in accordance with the approved details. The works relating to a phase or sub-phase shall be carried out prior to the occupation of any part of that development phase or sub-phase or alternatively in accordance with a programme submitted to and approved in writing by the Local Planning Authority.

11 Any tree and/or shrub planted pursuant to condition 9 and being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

12 Prior to the commencement of development in any phase or sub-phase hereby permitted a landscape management plan relevant to that phase or sub-phase, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan for the phase or sub-phase shall be implemented in accordance with the approved details and any subsequent variations shall be submitted to and approved in writing by the local planning authority.

Community Facilities

13 Prior to the submission of any reserved matters application a programme for the delivery of the community facility and local centre shall be submitted to and approved in writing by the Local Planning Authority. The community facility and local centre shall be implemented in accordance with the approved programme or alternatively in accordance with any variation to the programme submitted to and approved in writing by the Local Planning Authority.

Design Codes/Materials/Appearance

14 Prior to the commencement of development hereby permitted, Design Codes shall be submitted to and approved in writing by the Local Planning Authority. The design codes shall include details of street widths, block heights and lengths, corners, ground floor frontages and parking arrangements for each phase or sub phase of the development. All reserved matters applications submitted pursuant to this permission shall conform with and shall include statements of conformity with the relevant approved Design Code.

15 Prior to the commencement of any works permitted in any phase or sub-phase on the external faces of an individual building, details and samples of all materials to be used on all external faces of that building in that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. Each building shall thereafter be constructed in accordance with the approved details, unless any variations are submitted to and approved in writing by the Local Planning Authority.

16 Prior to the commencement of development hereby permitted in a phase or sub-phase of the development hereby permitted details and samples, where appropriate, of all paving and external hard surfaces, boundary walls, railings, gates, fences and other means of enclosure relating to that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The relevant phase or sub-phase of the development shall be implemented in accordance with the approved details unless any variations are submitted to and approved in writing by the Local Planning Authority and all approved details and samples shall thereafter be retained.

Play Equipment/Public Art

17 Within the application site as a whole equipped play facilities shall be provided in accordance with the Development Framework Plan pursuant to Condition 5.

18 Prior to the commencement of development in a phase or sub-phase hereby permitted full details of any play equipment and safe surfacing to be provided in such phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. Any play area or areas within the phase or sub-phase to which they relate shall be installed in accordance with the approved scheme of details prior to the first occupation of the accommodation in the phase or sub-phase of the development to which they relate unless any variations are submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained in accordance with the approved details.

19 Within the application site as a whole informal open space shall be provided in accordance with the Development Framework Plan pursuant to Condition 5.

20 Prior to the commencement of development in a phase or sub-phase of the development hereby permitted details of any public art and or historical/environmental interpretation boards to be incorporated within that phase or sub phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include location, design, dimensions and materials. The approved items of public art and/or interpretation boards shall be installed prior to the first occupation of the phase or sub-phase of the development to which they relate, or alternatively in accordance with any variation to the timing for the installation of such items that has been submitted to and approved in writing by the Local Planning Authority. The approved public art and/or interpretation boards shall thereafter be retained.

Lighting

21 Prior to the commencement of development within a phase or sub-phase hereby permitted, details of all external lighting including the exact position, details of light intensity and spillage shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details prior to the first occupation of any part of the phase or sub-phase to which it relates or alternatively in accordance with any variation to the timing for the installation of such items submitted to and approved in writing by the Local Planning Authority and shall be retained in accordance with the approved details.

TV Cabling

22 Prior to the commencement of development in any phase or sub phase hereby permitted details for the installation of cable TV pre-ducting shall be submitted to and approved in writing by the Local Planning Authority. The cable TV pre-ducting arrangements shall be installed in accordance with the approved details during the construction phase of development and shall be available for use prior to the first occupation of the phase or sub-phase which it serves.

Refuse

23 Prior to the submission of any reserved matters application for a phase or sub-phase hereby permitted, a Site Waste Management Plan (SWMP) for that phase or sub-phase shall be submitted to and agreed in writing by the Local Planning Authority. The approved SWMP shall be used to inform development proposals for the phase or sub-phase to which it relates and any reserved matters application(s) for layout, scale and appearance shall be accompanied by details showing the arrangements for the storage of refuse. The details shall include the siting and design for storage and shall make provision for recyclables as well as general waste. No building shall be occupied within the phase or sub-phase to which the reserved matters approval relates until the refuse storage arrangements for that building have been implemented in accordance with details approved by the approval of reserved matters. The refuse storage arrangements shall be retained thereafter.

Contamination

24 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 25 to 28 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 28 has been complied with in relation to that contamination.

25 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

26 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

27 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing

by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

28 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 25, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 26, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 26 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 27.

29 Prior to the commencement of the land raising works hereby permitted full details of the type or types of material(s) to be used in association with these works shall be submitted to and approved in writing by the Local Planning Authority. Only fill materials approved pursuant to the requirements of this Condition shall be used in association with the land raising works hereby approved.

30 Prior to the submission of any reserved matters application and the commencement of any land raising works in the area identified as Phase 2 on the Parameter Plan (David Lock Associates drawing number LAF009/033/ Rev D), details of a plan of works and timetable for a ground gas investigation, assessment and submission of a report detailing the findings of the investigation and assessment and the setting out gas mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Any reserved matters application shall include a statement detailing how the proposal incorporates any gas protection measures approved pursuant to this condition.

31 Prior to the commencement of development within a phase or sub-phase hereby permitted a Construction Environmental Management Plan (CEMP) relevant to that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; noise and vibration limitation and monitoring regimes; access points; screening/mitigation; wheel cleaning/chassis cleaning facilities; dust control measures; protection of surface and groundwater resources, including arrangements for the storage of oils, fuels or chemicals; pollution incident control; site illumination including any cowls to be fitted to ensure that light spillage on sensitive areas is avoided; screening of the construction works from the foreshore and the SNCI and location of construction compound and

offices. The construction works for the phase or sub-phase shall thereafter be carried out at all times in accordance with the Construction Environmental Management Plan approved for that phase or sub-phase, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Drainage

32 Prior to the commencement of development in any phase or sub-phase hereby permitted, a scheme detailing a surface water drainage strategy, including provision for tidelock conditions, pollution prevention measures such as by the incorporation of trapped gullies within the highway surface water systems, and silt traps and light-liquid separators and the use of rainwater harvesting systems and other grey water technologies shall be submitted to and approved in writing by the Local Planning Authority. No infiltration of surface water drainage into the ground is permitted other than with the written approval of the Local Planning Authority for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The approved surface water drainage arrangements for any phase or sub-phase shall be provided prior to the first occupation of any part of the phase or sub-phase to which it relates.

33 Prior to commencement of development within a phase or sub-phase hereby permitted details of the method for piling foundations or any other foundation designs using penetrative methods and any other proposals involving below ground excavation relating to that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. Piling works shall be implemented in accordance with the approved details.

34 Prior to the commencement of the development of a phase or sub-phase hereby permitted full details of the proposed means of foul water sewerage disposal relating to that phase or sub-phase shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter.

Biodiversity

35 Prior to the commencement of development hereby permitted, details of ecological protection and mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The ecological protection and mitigation measures shall include details and a timetable for:

- the translocation of the 1.5ha open mosaic habitat (minimum) including the translocation technique for substrate and the location of the newly created open mosaic habitat;
- reptile translocation strategy;
- any vegetation clearance;
- further bat surveys, including emergence surveys, of any buildings considered to have potential for roosting bats;
- works in any phase or sub-phase that has a boundary with the SNCI; and
- details of the planting and extent of the buffer zone adjacent to the River Medway and how this will be protected during construction.

The approved protection and mitigation measures shall be undertaken in accordance with the approved timetable.

36 Prior to the commencement of development hereby permitted, details of an ecological management plan shall be submitted to and approved in writing by the Local Planning Authority. The ecological management plan shall include details of:

- enhancement and mitigation within the built environment, for example calcareous (crushed brick) green roofs, bat and bird boxes, wildlife friendly planting;
- habitat enhancement, prevention of disturbance and predation of nightingales through fencing and/or hedging;
- method of prevention of disturbance to birds and habitat of the saltmarsh;
- site-wide habitat management;
- provision for long-term habitat management and species monitoring; and
- a timetable for the provision of the enhancement, protection, management and monitoring measures; and
- a strategy for education and awareness.

The ecological management plan shall be implemented in accordance with the approved details and timetable

37 Prior to the commencement of development, a detailed method statement for the removal or long-term eradication of Japanese Knotweed and Giant Hogweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall be implemented in accordance with the approved method statement.

Mobility issues

38 Prior to commencement of development within a phase or sub-phase hereby permitted details of the number of dwellings within that phase or sub-phase that are to be adapted to meet the needs of wheelchair users shall be submitted to and approved in writing by the Local Planning Authority. The number of dwellings adapted for wheelchair users shall thereafter be provided in accordance with the approved details. The remainder of the dwellings within a phase or sub-phase that are not specifically designed for use by wheelchair users shall be designed and constructed to conform to the “Lifetime Homes Standard” or any subsequent amending standard.

39 Prior to commencement of development within a phase or sub-phase hereby permitted details of the total number and location of the parking spaces to be provided for use by disabled persons within that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces designed for disabled persons shall be provided in accordance with the approved details and shall thereafter be retained.

Safety and Security

40 Any reserved matters application for layout and appearance for any phase or sub phase hereby permitted shall include a statement detailing how the development reflects the requirements set out in "Safer Places: the Planning System and Crime Prevention (2004)".

41 Prior to the commencement of development within a phase or sub-phase hereby permitted, full details of the design and location of all external lighting in open courtyard areas, enclosed parking spaces, any individual covered parking area and areas of communal open space and the number, design and location of any proposed CCTV cameras in or relating to that phase or sub-phase and details of measures proposed to ensure the safety and security of users of any such areas within the relevant phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and security measures shall be retained thereafter.

Riverside Walk

42 Prior to the commencement of development within any part of the development hereby permitted, a timetable for the provision of the riverside walk within that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. Full details for the design of the riverside walk shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

The riverside walk shall be constructed and be made available for use in accordance with the approved details and approved timetable and shall thereafter be retained.

Sustainability

43 Prior to the commencement of development hereby permitted, an energy demand assessment shall be submitted to and approved in writing by the Local Planning Authority. The energy demand assessment should demonstrate all electricity and heat requirements when in use and the likely annual carbon emissions. Energy savings through energy efficient design and technology should be assessed and renewable energy technologies should be incorporated into the development's design to provide at least 10% of the site's electricity and heat needs where feasible. The likely energy supply from renewable sources and where possible carbon savings should be stated as a percentage of total energy usage (established from the energy demand assessment). If renewable options are rejected, justification should be provided.

44 Any application for reserved matters for a phase or sub-phase hereby permitted shall be accompanied by details of an energy sustainability strategy, including details of energy efficiency and the renewable technologies to be incorporated within that phase or sub-phase. The energy sustainability strategy shall be developed incorporating the details approved under the requirements of condition 43. The development of the phase or sub-phase to which the reserved matters application relates shall be implemented in accordance with the approved details and the approved details retained thereafter.

45 All residential units within the development shall be constructed to achieve at least the Code for Sustainable Homes Level 3 for residential or any other equivalent standard and all non-residential units shall be constructed to achieve Building Research Establishment Environmental Assessment Method (BREEAM) very good standard. All other buildings shall be constructed to achieve an equivalent standard appropriate to the type of building.

46 All reserved matters applications shall be accompanied by an assessment of the proposals against the Building for Life standards.

Development Control

47 Any reserved matters application seeking approval for 'scale' for any phase or sub-phase hereby permitted that includes any buildings that are proposed to exceed a height of 5 storeys and/or 20 metres shall be accompanied by accurate visual renditions (AVRs) and a statement of how the proposal has taken account of and conforms with the 'Building Height Policy for Medway'.

48 The details to be submitted in pursuance of Condition 3 shall show adequate land, reserved for the parking or garaging of vehicles and the manoeuvring of vehicles to accord with the provisions of the adopted vehicle parking standards applicable at the time, unless otherwise agreed in writing by the Local Planning Authority. No building shall be occupied until such time as the parking facilities relating to it have been constructed in accordance with the approved details and are available for use. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to the reserved vehicle parking and manoeuvring areas.

49 Prior to the commencement of development within a phase or sub-phase hereby permitted, details of an unobstructed, internal means of escape route from any basement parking area to a higher level and details for the provision for an emergency route off the application site in the event of any flood which relate to that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and shall be retained thereafter.

Highways

50 Prior to the commencement of development within a phase or sub-phase hereby permitted details of access and vehicle routing arrangements for construction traffic for that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall take into account the impact on the amenities for existing and future occupiers of the development. The construction access and routing arrangements for each phase or sub-phase of the development shall be implemented in accordance with the approved details.

51 Prior to the submission of any reserved matters application for any part of the development hereby permitted, details of an improvement plan for the pedestrian environment between the site and Knight Road via Walnut Tree Bridge; an improvement plan for enhancements to drainage, surfacing, lighting and the

pedestrian environment through Wickham Arch to Norman Close and a timetable for the provision of the improvements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

52 Prior to the commencement of development within any phase or sub-phase hereby permitted, details of passenger waiting facilities at the proposed bus stops within the relevant phase or sub-phase and a timetable for implementation, including the provision of shelters equipped with real time passenger information displays, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with these approved details and shall be retained thereafter.

53 Prior to the commencement of development within a phase or sub-phase hereby permitted, details of cycle parking facilities for that phase or sub-phase to accord with the Local Planning Authority's adopted cycle parking standards shall be submitted to and approved in writing by the Local Planning Authority. The details shall incorporate protection and security measures for cycles, which, where applicable, shall include a lockable enclosure. Individual phases or sub-phases of the development shall not be occupied until the approved cycle parking arrangements relating to the relevant phase or sub-phase have been provided and shall thereafter be retained.

54 Any reserved matters application for the approval of access for a phase or sub-phase hereby permitted shall include details of the road, footway, footpath and cycleway layout and shall show the alignment, widths, surfacing arrangements, forward visibility sight lines and vision splays, speed restraint measures, gradients, drainage and details of the strategic pedestrian and cycle network connections from that phase or sub-phase to the existing off-site pedestrian and cycle infrastructure adjoining the application site. The development shall be implemented in accordance with the approved reserved matters prior to the first occupation of any building within the relevant phase or sub-phase.

Removal of Permitted Development Rights

55 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) with or without modification no fencing, gates, wall or other permanent structure shall be constructed in advance of an elevation or elevations of a building fronting a road, footway/footpath or cycleway.

56 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Part 1 (Classes A-H) inclusive, Part 2 (Class A) and Part 25 (Classes A to B) of the Second Schedule to the Order shall be carried out on the site without express planning permission first being obtained.

Environmental Health

57 No deliveries, refuse collection and/or any other servicing activity shall be taken out or dispatched in any day during the hours between 20.00 hours and 06.00 hours.

58 Prior to the commencement of the development in a phase or sub-phase of the development hereby permitted, a scheme for protecting the proposed development within that phase or sub-phase from noise emanating from existing industrial/commercial and transportation activities, shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed. Where the internal noise levels (LAeq,T) will exceed 30dB in bedrooms and 35dB in living rooms with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of less than 55dB (LAeq,T). All works, which form part of the approved scheme for a phase or sub-phase, shall be completed prior to the first occupation of any building within that phase or sub-phase and shall thereafter be maintained in accordance with the approved details.

59 Prior to the commencement of the development within any phase or sub-phase hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise arising from the commercial buildings within that phase or sub-phase. Noise from commercial premises should be controlled, such that the noise rating level (LA,T) emitted from the development does not exceed the background noise level (LA90,T), by more than 3dB. All measurements shall be defined and derived in accordance with BS4142: 1997. The results of the assessment and details of any mitigation measures shall be submitted and approved in writing by the Local Planning Authority. The approved measures shall be implemented before commercial buildings are brought into use and thereafter be maintained in accordance with the approved details.

60 Prior to the commencement of the use of any premises with commercial kitchens within the development hereby approved, details for the conduction and extraction of cooking odours shall be submitted to and approved in writing by the Local Planning Authority. Where high level fume dispersion at one metre above ridge height of the nearest building is possible a typical installation should include hood mounted grease filters, pre-filter(s) and activated carbon treatment. Proposals for fume dispersion at lower levels must incorporate suitably enhanced methods of filtration and odour control. All equipment must be installed in accordance with the approved details and be in full working order prior to the first use of the commercial kitchen to which they relate and shall thereafter be maintained in accordance with the manufacturers instructions for as long as the approved use of the commercial kitchen to which they relate continues to operate.

61 Any entertainment venue, restaurant, café, drinking establishment or hot food takeaway outlet within the application site shall not operate outside the hours 9:00 to 23:00 Mondays to Saturdays inclusive and 9:00 to 22:00 on Sundays and Public Holidays.

Archaeology and Cultural Heritage

62 Prior to the submission of any reserved matters application relating to land within the area identified as Phase 1 of the Parameter Plan (David Lock Associates drawing number LAF009/032 Revision D), full details of a scheme for the use of the retained pill box, any proposed works to the fabric of the pill box and a timetable for the implementation of the use and works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance

with the approved details and shall thereafter be retained. Any reserved matters application related to the area containing the pill box shall incorporate the approved details into the proposals unless any variation is agreed in writing by the Local Planning Authority.

63 Prior to the commencement of development the implementation of a programme of archaeological work shall be secured in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The archaeological work shall include the assessment of the subsurface stratigraphy of the site and a detailed deposit model, which can be related to the development proposals.

64 Prior to commencement of the relevant phase or sub-phase of development of development a detailed plan showing how the dock wall fronting onto the River Medway and the rails of the former travelling crane will be retained, preserved and enhanced as part of the riverwalk shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

For the reasons for this recommendation for approval please see Planning Appraisal section and conclusions at the end of this report.

Site Description

Temple Waterfront sits within the historic valley of the River Medway, less than half a mile south of Strood town centre and just 750 metres north of the three Medway bridges, two carrying the M2 and one the Channel Tunnel Rail Link. The Esplanade at Rochester lies opposite the site to the eastern bank of the Medway and, in the main, is residential in nature.

The application site is approximately 27.19 hectares (67.19 acres) in area and is located to the South of Strood town centre. A former cement works (5.7ha) occupies a large part of the site. Today, with the exception of a recently constructed foul water pumping station to serve the adjoining Medway Valley Leisure Park and a remaining World War II pill box, no buildings remain on this part of the site. Morgan Timber Yard (3.6 ha) is to the north of the site and immediately to the south of the timber yard are waste recycling and materials handling facilities (4 ha). Temple Marsh (11 ha) open space is owned by Medway Council and is formed on an area of land reclamation, which in part was a waste landfill site closed in the late 1970s. The former karting track (4.6 ha) is located immediately to the south of the open space at Temple Marsh and is also owned by Medway Council.

The site is largely inaccessible and substantially overgrown with shrubby plants supporting birds of conservation interest, including breeding nightingales. To the south of the open space is a Site of Nature Conservation Interest (SNCI). Also of interest is a World War II pillbox located in the south east of the site alongside the river which, although not listed and despite some vandalism and graffiti, is an important historical feature.

The Medway Valley Railway forms the boundary to the west and is situated on a falling grade occasionally at a higher level than the site. The site extends to Walnut Tree Bridge to the north and Roman Way to the south. Immediately to the west and north west of Temple Waterfront, separated from the site by the Medway Valley railway line, is a relatively large area of employment uses developed during the 1980s, albeit that one of the largest buildings, previously occupied by Tesco, ceased operation in the past few years and has more recently

been demolished, its site now lying vacant. The area contains a range of manufacturing however a notable exception to the industrial and warehousing units is Temple Manor, a Grade I Listed Building and Scheduled Ancient Monument. The Manor, owned by Medway Council, is a 13th century house of the Knights Templar with brick 17th century extensions. The Manor, surrounded by industrial properties and the Medway Valley railway line, is however out of sight of the Temple Waterfront site and cannot be accessed directly from it. To the east of the site is the River Medway and to the south is Medway Valley Park with its range of leisure facilities.

Access is difficult being solely by means of the road under Walnut Tree Bridge from Knight Road. From Knight Road, no footpaths are provided, meaning that pedestrians must share the carriageway with industrial traffic movements to Morgan Timber and the other operators on the site. For those who might be travelling by car, an old car park is now completely overgrown. Wickham Arch is a gated private access into the site under the Medway Valley railway line for vehicles wishing to access the pumping station. There is a second underpass beneath the railway for pedestrians near Morgan Timber, in theory serving a public right of way (RR24A) but which is blocked on the western side of the railway by industrial development and by overgrown vegetation to the east of the railway.

Topographically, the site is generally flat, although there are some areas of significant variation, most notably remnant chalk spoil heaps. Temple Marsh is partly flat; however, the former landfill area has a gentle domed topography. The area containing the timber yard and other existing employment uses is generally flat, albeit with a slight fall towards the river. Along the river's edge, there is a drop in level from the main site down to the saltmarsh and its inter-tidal habitats. The embankments on which Roman Way and the Medway Valley railway sit visually dominate the southern part of the site.

Vehicular access to the section of the site that lies to the north of the site is currently available through Walnut Tree Bridge off of Knight Road. This access point currently serves Strood Yacht Club, various boatyards, Morgan Timber and the other operations on its land, and provides the only access to the Temple Marsh open space.

It is to be noted that the application site does not include the Gazeley's site (the Former Tescos distribution warehouse).

Proposal

The submitted application seeks outline planning permission for a mixed use development. All matters have been reserved for future consideration.

This planning application is supported by the following documentation: Employment Travel Plan, Residential Travel Plan, Flood Risk Assessment, Statement of Community Involvement, Design and Access Statement, Sustainability Statement, Planning Statement, Transport Assessment and drawings showing the application site, the site location, land ownership and Phase 1, Phase 2, Development Framework, Landscape Framework, Movement Framework, Building Heights and Density parameter plans.

The scale of the proposed development is such that this application is accompanied by an Environmental Impact Assessment (otherwise referred to as an Environmental Statement [ES].

Access will be derived via the existing access points to the north and south of the site. This is the access from Knight Road to the north and Roman Way to the south.

The uses proposed under the terms of the submitted application, along with their relevant floor spaces/areas, are as follows:

- Residential areas (C3)	9.9 ha (24.46 acres)
- Employment (B1a/b/c, B2 and B8)	3.41ha (8.43 acres)
Mixed Use Centre Comprising:	
- Retailing and other commercial (A1-A5)	1,300sqm
- Business (B1a)	1,300sqm
- Community facilities (D1/D2)	200sqm
- Dwellings	Up to 620
- Commercial within residential (A1-A5)	500sqm
- Business floorspace within residential (B1a)	1,900sqm
- Pocket Park (inc play space)	0.24ha
- Riverside Park (inc. play space)	10.85ha
- Infrastructure	2.31ha

A Riverside Park is proposed which will incorporate the existing SNCI and the retained areas of the Temple Marsh open space. The Park will include the retention and creation of ecological habitats, play space and a riverside walk.

The illustrative masterplan accompanying the application shows one way the site could be developed in accordance with the submitted parameter plans and it identifies the likely pattern of the development for the site in its totality. It also illustrates the possible disposition of uses across the site. The development proposes a range of residential types and tenures across the site, which will comprise a mixture of apartments and dwellinghouses. The residential accommodation will include 25% affordable housing.

The existing Morgan Timber operation will be retained in a reconfigured layout which will include a combination of the retention, reconfiguration and replacement of existing buildings.

Retail, food and drink uses (including a pub) and office accommodation (Class B1) is shown opposite Morgan Timber to the north of the site. It is proposed that the community facility will be located to the southwest of the site as part of a mixed use local centre.

A parameter plan accompanying the application indicates the likely storey heights. It is proposed that the development will range between 2 and 6 storeys in height, with the taller buildings being located close to the entrance to the site at the south west and close to the pocket park towards the north. A landmark building of up to 6 storeys is proposed for a more or less central location within the site. The Morgan Timber buildings will be up to 12m in height.

The anticipated number of residents will be around 1,500 and it is estimated that the employment uses will create or retain around 320-440 permanent jobs on the development site.

Parking provision is to be in accordance with parking standards. Most family housing will have off road parking and some courtyard parking with visitors parking on street. The parking for the apartments will be courtyard parking within blocks and some on street perpendicular bays. Parking will be integrated within the townhouses. Parking for the Local Centre will be to the rear sharing the service area and there will be limited parking to the front. The public house to the north will have its own car park to the side with access from the boulevard. Parking for the employment uses (area 5) will have a parking court behind buildings fronting the boulevard. Morgan Timber will have parking within its own site at the front. The single office at the northern gateway will have on site parking which does not detract from the gateway feature.

Phasing plans accompany the application and show two phases of development, starting at the south of the site incorporating approximately half of the residential parcels, the local centre, the SNCI and part of the riverside park and the redevelopment of Morgan Timber and continuing northward incorporating the remaining residential parcels, the landmark tower, the pub and employment parcels north and south of Morgan Timber including improvements to Walnut Tree Bridge.

Site Area/Density

Total site area: 27.19 hectares or 67.18 acres
Developable area as per the Development Brief (excluding the 11 ha of open space and 4.6ha of SNCI): 11.59 hectares or 28.63 acres.
Residential density: 53 d.p.h or 21.66 d.p.a

Relevant Planning History

Temple Marsh

77/530	Portal framed building for storage of hydralime. Approved 25/8/77
79/782	Construction of a silo for ground lime storage. Approved 25/9/79
80/451	Proposed Go-Kart track. Approved 29/7/1980
80/816	Proposed Go-Kart track and access. Approved 24/9/80
80/989	Temporary permission for open air storage and siting of caravan as office. Approved 23/2/81
80/1005	Outline application for sports complex. Refused 16/3/79
82/77	Proposed sports ground and pavilion recreational facilities. Approved 4/5/82

82/596 Outline permission for proposed industrial and warehouse development including access road railway bridge crossing surface and foul water drainage.
Approved 9/4/84

86/1200 Proposed erection of a single storey pavilion to be used as changing facilities.
Approved 2/7/87

88/1261 Outline application for business park for B1 and B8 users (use classes order 1987) including bridge, infrastructure and flood prevention works.
Approved 20/3/91

96/PNOT/0006 Replacement of Wickham Footbridge Number 130.
No history of a decision

MC2002/0439 Advertisement consent for installation of a non-illuminated, pole mounted, entrance sign(7m x 1.2m).
Approved 21/10/02

MC2002/0440 Change of use from landfill site (under restoration) to construction plant theme park.
Approved 28/8/02

MC2003/2389 Construction of a snow park.
Withdrawn 24/2/04

MC2004/2005 Construction of an access road to existing pumping station.
Approved 20/10/04

MC2006/1132 Application under Regulation 3 of the Town & Country General Planning Regulations 1992 for the removal of existing fence & gates & replacement with a new 2.4 metres high galvanised steel mesh fence & a pair of double gates on the boundary with Knight Road.
Approved 15/9/06

<u>Morgan Timber Yard</u>

77/433 Erection of storage building for own products.
Approved 19/7/77

85/123 Temporary workshop and store for dismantling cars.
Refused 24/4/85

85/465 Area for top soil storage, tipper parking, minor maintenance and erection of ‘Nissen’ type building.
Approved 24/7/85

85/473 Erection of storage building.
Approved 24/7/85

86/57	Outline permission for an auction room show room and use of site for that purpose and ancillary storage and office. Approved 9/6/86
86/176	Use of land as yard for storage of vehicles for recovery service damaged vehicles and ancillary materials and for stationing of a caravan office and sales. Refused 22/5/86
86/445	Erection of two timber buildings. Approved 18/8/86
86/1172	Proposed use of land as coach park and siting of ancillary structures. Approved 24/3/87
87/47	Proposed change of use from timber yard to general industrial purposes involving the enclosure of the existing building and the erection of portakabins for office purposes (amecotex). Approved 15/4/87
87/1224	Proposed warehouse extension. Approved 26/1/88
88/141	Proposed change of use of land from timber yard to class B8 (dealers in secondhand roofing, materials) and stationing of a portakabin). Approved 17/5/88
89/0225	Use of land for vehicle mechanical and bodywork repairs respraying. Storage of plant and equipment, sale of plant and equipment/vehicles. Approved 27/6/89
89/0382	Temporary permission for the erection of a workshop building, portakabin and portaloo. Approved 4/5/89
89/0814	Use of land for storage of constructionised boxes and toilet facilities for hire to constructions, industry. Approved 12/9/89
91/0058	Change of use from roofing suppliers to heavy, goods vehicle parking. Approved 9/4/91
93/0363	Use of land for the storage and processing, cutting and bending of reinforcement rods, and mesh, and erection of two portable, buildings for office use. Approved 14/9/93
93/0722	Variation of condition 02 of planning permission ME/93/0363 to extend the time period for the stationing of the two office buildings to 5 years and the substitution of condition 04 (hours of operation) with a noise level control condition. Approved 2/11/93

94/0527	Reconstruction of fire damaged industrial building. Approved 21/11/94
96/0296	Installation of spray booth within existing, building for the purpose of spraying vehicles, following body repair and the erection of a flue. Approved 26/6/96
97/0902	Consultation under article 12 - Town & Country Planning (General Development Procedure) Order 1995 - Retrospective change of use of land to process and separate construction and demolition wastes for recovery and refuse. No history of a decision 3/2/98
MC1999/5554	Application for temporary consent for use of land for the recycling of inert materials. Approved 20/12/99
MC1999/5863	Change of use from storage yard to waste transfer station together with siting of a steel container site office. Approved 7/3/00
MC2001/1717	Change of use from storage yard to waste transfer station. Approved 8/1/02
MC2002/0324	Continued temporary use of land as recycling of inert waste materials. Approved 12/9/02
MC2002/0378	Temporary planning approval (5 years) for the storage of waste bins on site. Withdrawn by applicant 15/3/04
MC2002/0641	Change of use to vehicle re-cycling centre. Approved 16/7/02
MC2002/1401	Continued use of plot 5 as waste transfer station and extension of waste transfer station use onto plot 4. Approved 18/9/02
MC2002/1835	Continued use of land for recycling of inert materials. Approved 24/12/02
MC2003/1073	Variation of condition 01 of Planning Permission MC2002/0324 to extend the time allowed for the use of the site for the recycling of inert waste on the site. Approved 15/7/03
MC2003/1075	Change of use of land to waste transfer station. Approved 15/7/03
MC2003/2098	Siting of a mobile wood burner. Approved 27/11/03

MC2003/2704 Variation of Condition 1 of planning permission MC2002/1835 for the continued use of land for the recycling of inert materials.
Approved 16/2/04

MC2003/2705 Change of use of land to waste transfer station and installation of new 3metre perimeter fencing.
Approved 28/6/04

MC2003/2707 Variation of Condition 1 of planning permission MC2002/1401 for the continued use of land as a waste transfer station.
Approved 18/2/04

MC2004/0623 Continued use of land as a vehicle recycling centre.
Approved 29/6/04

MC2004/0672 Use of land as skip hire depot and waste transfer station.
Approved 28/5/04

MC2004/1226 Change of use of land for use as ship storage yard.
Approved 10/08/04

MC2004/2389 Variation of condition 1 of planning permission MC2003/2705 (change of use of land to waste transfer station and installation of new 3 metre perimeter fencing) to extend the period of consent to 31/12/06.
Approved 15/12/04

MC2005/1186 Variation of: condition 1 to extend the temporary consent for a further 2 years and removal of condition 2 to allow all types of waste to be handled of planning permission MC2003/2705 (change of use of land to waste transfer station).
Approved 15/8/05

MC2005/2411 Renewal of temporary permission for use of land as a vehicle recycling centre.
Approved 31/01/06

MC2006/0315 Continued use as a waste transfer station.
Approved 13/10/06

MC2006/0847 Renewal of temporary planning permission MC2004/0672 for use of land as skip hire depot and waste transfer station.
Approved 4/7/06

MC2006/0913 Renewal of a temporary permission MC2004/1226 for continued use as a waste transfer station.
Withdrawn 26/9/06

MC2007/2324 Renewal of temporary permission for use of land as a vehicle recycling centre.
Approved 20/2/08

MC2008/1587 Use of land for a Waste Transfer Station and recycling of inert waste with associated hardsurfacing, boundary treatment & portable office.
Approved 19/12/08

MC2008/2048 Renewal of temporary planning consent MC2008/0296 for use of land as skip hire depot and waste transfer station.
Approved 11/03/09

MC2009/0543 Change of use of land for vehicle recycling centre.
Approved 17/7/09

MC2009/0665 Temporary change of use of land for the recycling of timber together with the erection of a portable office, concrete base, chain link boundary fencing and gate Decision pending

Representations

Extensive publicity and consultations have been carried out in relation to the development proposals. Consultation have been undertaken in connection with the originally submitted application documentation as well as in response to the submission of the additional or amending submissions of information.

The application has been advertised in the local press and on site as a Departure from Local Plan Policy; Major Development; an application accompanied by an Environmental Impact Assessment; development affecting the setting of a Scheduled Ancient Monument and a Listed Building; and development affecting a Right of Way.

Consultations have been undertaken with the owners and occupiers of numerous properties adjoining the application site, including properties on the opposite side of the Medway, and a wide range of statutory and non-statutory consultees.

The responses received in relation to this consultation exercise are summarised below, with the responses being grouped together by type of respondent. Representations made in response to additional or amending information are shown in italic text to differentiate them from the initial response made by the relevant party. Many of the objections raised, particularly in the case of statutory authorities, have been addresses as part of the determination process.

Ten letters of representation have been received from neighbours. The following concerns have been raised:

- The application is a departure from the Local Plan and should be advertised as such
- The Darnley Arch on the Cuxton Road is not satisfactory and should be dealt with before the development
- Serious thought should be given to the impact on Temple Manor
- The Medway Community Plan refers to the priority to increase and improve open spaces
- The provision linked to the former Alloy Wheels site will alleviate the problem
- Network Rail should be consulted
- Loss of open space contrary to policy L3 of the Medway Local Plan 2003
- There is not any more room for large developments

- Impact on wildlife
- Development will be out of keeping when seen from the Esplanade across the river
- The Medway Countryside Forum were not consulted when the final decision was made (of the Development Brief)
- There is a shortage of open space and more dwellings will only create more demand
- The area should not be built on just because it has been neglected
- The notion that the development must have a critical mass of 600 to support local shops is dangerous as it implies an overdevelopment to achieve critical mass and a local shop could not compete with surrounding shops
- Access through Walnut Tree Bridge is unsound because it is too small and can be used only by one car at a time
- The area is within a flood plain and the building of concrete slabs would make flood more likely in the event of the 100 year flood in other places.
- 540-620 units would surely take up a lot of space
- The proposals are against the Medway Wildlife, Countryside and Open Space Strategy and PPG17
- There will be more pressure on the SNCI and construction will be detrimental to this

Network Rail has written raising no objection but recommends a condition to ensure the developer contacts them 6 weeks prior to the commencement of works

Medway Local Access Forum has written stating that there should be no encroachment on Open Space areas without compensatory provision, there should be no obstruction to pedestrian access linking Cuxton Station to Strood Town Centre, no point of access should be at lower level than mean high tide, no existing access to pedestrians or cars should be lost, attention should be given to the hazards/dangers of a single means of access for emergency vehicles and consideration should be given to the affect of traffic flows from the Roman Way roundabout. Further to above they raise attention to the Medway Wildlife, Countryside and Open Space Strategy 2008/2016 which refers specifically to Temple Marsh.

Cuxton Parish Council has written stating that the development is similar to CEMEX in Halling and benefits for Cuxton should derive from S. 106 agreements attached to any approval of MC2009/0417

Kent Wildlife Trust has written and although has no objection in principle to the proposal, records an objection based on 'double counting' of mitigation. Much of the proposed mitigation is insufficient in extent and inappropriate in method. The direct and indirect loss of neutral grassland mitigation for the proposed children's play area will also require mitigation. They therefore recommended the refusal of the application. *They were reconsulted following site visit. Correspondence from Kent Wildlife Trust now indicates that they maintain their objection unless the list of conditions set out in their correspondence is attached to any forthcoming planning permission. These conditions are all included in the conditions recommended above.*

Kent Police raise concerns regarding additional pressure on Cuxton Road A228 roundabout and also that the primary route through the development may become a 'rat-run'. They add that people leaving the Leisure Park may cut through the development late at night and therefore the proposals should include active frontages, public spaces and overlooked routes. High intensity lighting may be beneficial via the street along the crescent of the Homezones and Park edge. Access under the railway line from Norman Close should be restricted to deter motor vehicles or motorcycles and there should be no rear alleyways.

Boundaries to commercial yards and rear servicing areas should be adequately secured. Access to the riverside walk/greenspace area should be controlled in varying forms. Undercroft parking should be securely gated. Parking areas should be small in size or have design features such as landscaping. There should be adequate visitor parking to stop inappropriate or confrontational parking or other highway safety issues. There will be no lighting to the Greenspace area which seems to potentially conflict with p. 26 of the Design and Access statement. It is especially important to be lit during the winter months. S.106 developer contribution should be sought for CCTV provision linked to the Council's monitoring centre. Facilities for older youths (above 11) should be considered (S.106 contributions could be sought in this respect). Care will need to be taken to ensure compatibility of uses between class A/B and residential and opening hours of Medway Leisure Park.

Areas of planting should be managed properly to ensure they are maintained. Hedges should not grow over 1m and trees should be at least 2m high.

RSPB raise concerns that surveys are not accurate to reflect the number of birds using the intertidal area and may have not captured peak numbers. The survey data is 6 years out of date therefore cannot be certain that there will not be a likely significant effect. RSPB recommends that applicant submit an assessment of whether there will be likely significant effects on the SPA/Ramsar site and Regulation 48 of the Conservation (Natural Habitats etc) Regulations 1994 should be applied although no such request was made by Natural England.

Southern Water has recommended an informative to ensure that the developer enters into an agreement with Southern Water to provide necessary sewerage infrastructure as the current sewerage network is not adequate for this number of houses. If a new system is proposed it would have to be designed and constructed to the specification of Southern Water Services Ltd. A compound would need to be 100sqm in area away from habitable room windows by 15m. They also recommend a condition for the treatment of foul and surface water sewerage and the necessary infrastructure to service the development and a condition to ensure no development or new tree planting should be located within 3m of either side of the public sewer.

Sport England raise concerns regarding the lack of information on the previous use of the Temple Marsh open space as playing field land, the indication that any provision of, or contribution towards, outdoor formal sports provision will be limited, the lack of detail regarding off site provision or financial contribution towards sport and leisure facilities. It is the view of Sport England that the application does not meet with the requirements of PPG17. There has been ongoing discussion with Sport England to address the issues of playing fields (evidence, as requested by Sport England has been provided and no response has been received from Sport England to date), and with Greenspaces to address the issue of developer contributions.

Medway Countryside Forum object on the basis that the development brief was deficient and seriously flawed. It did not follow policy L3 of the Medway Local Plan. There is no clear diagram overlay showing the existing open space and the proposed encroachment which would be useful for clarity. The loss of open space is not small or moderate but a third - it is significant. The neglect of the land by the Council is not justification to lose this open space. Strood needs more open space, not less. Building is not required for safety/security reasons. Claims in the Environmental Statement regarding cat and dog controls is unconvincing (although Kent Wildlife Trust consider this matter to be capable of being addressed). The open space should not be built on especially to ease budgetary problems.

Open Spaces Society object on the basis that they have never received details of the area of open space however the planning statement states 11ha. It was previously confirmed that the open space would not be lost (by the Council). The SPD 'A building height policy for Medway' regularly references Temple Marsh as an important open space. It identifies sites suitable for higher buildings and Temple Marsh is not one of them. The Medway Wildlife Countryside and Open Space Strategy and Waterfront Brief both raise a need for more open space, rather than less. The Inspectors comments envisage the public open space to remain to serve the new residents. Policy S10 talks of increased access to the public to Temple. The argument that building houses here will create surveillance is absurd as PPG17 advises local authorities should ensure that open spaces should not suffer from increased overlooking, traffic flows or other encroachment. Local Authorities should protect biodiversity and nature conservation and no development should be built on the buffer zone needed to protect the SNCI. PPG17 also supports open space within commercial and industrial areas. How has Medway Council assessed that this land is surplus to requirements. The Medway Wildlife, Countryside and Open Space Strategy has been adopted but hardly anyone seems to have heard of it or got copies. The process of assessment is flawed and unsatisfactory.

Medway Countryside Forum objects on the loss of open space which conflicts with policy L3 of the Local Plan and the objectives of the Medway Wildlife, Countryside and Open Space Strategy 2008-2016. The Local Plan shows a provision of 200 units however this is treble.

Natural England had no comments to make however recommend that Local Wildlife Trust should be contacted and that if there is a Biodiversity Action Plan species on site survey information should be requested. The Council should seek to secure measures to enhance the biodiversity of the site from the applicant.

Medway Allotments Federation states that since the Development Brief Cuxton Pit has been built which places pressure on existing local amenities and open space. Strood was targeted to increase provision of open space. Policy L3 allows for small development but 50% of the open space (not including the SNCI) is to be built on. Medway Council has made a conscious decision to neglect this area and with better signage and access it could be a more popular park. The view from Rochester Castle will be compromised. The developer should contribute to the council's allotment budget.

Frindsbury and Wainscott Community Association state it is important that open space is retained as it is lacking in Strood and that none of the five reasons for exception in policy L3 apply. The amount of homes is excessive and the open space is important and much needed. There will be much more traffic on the A228 and the existing residents need to be considered. The Local Plan referred to 100 dwellings and the 620 is a massive increase. The Development Brief is supplementary and should not supercede the adopted plan. Policy L3 provides for Open Space and the development will result in a downgrading and diminishing of the Open Space and damage to the SNCI and habitat in general. Strood has a shortfall of Open Space. Shopping facilities are already adequately provided for in Strood centre, nearby supermarkets and in Darnley Road. The Open Space has long been consistently neglected. High rise development viewed from historic Rochester and overshadowing the adjoining neighbourhood must be visually unacceptable. Flood plain problems are a matter for concern for the site and neighbourhood but also the marshland and low-lying areas in the vicinity
The application is a clear departure from the Local Plan and should be 'called in'.

KCC Environment and Waste recommend a condition for a programme of archaeological work and recommend that English Heritage are consulted. They also state that the developers should be encouraged to provide facilities within the public areas of development for the interpretation and display of archaeology and history of the site. They should also be encouraged to include opportunities for the presentation of the history of the site including the pillbox as part of their proposals.

Highways Agency state that the transport assessment underestimates the predicted level of trips expected to be generated however, they do not require the Transport Assessment to be revised. They recommend a condition to secure a detailed Travel Plan and an agreed implementation timetable, although Travel Plans for Employment and Residential uses were submitted as part of the outline planning application.

Environment Agency raises no objection in principle to the development however further information is required. No objection is raised to surface water drainage strategy however climate change should be taken into account and there should be storage on site for surface water which can be achieved via the use of Sustainable Drainage Systems. Further detail regarding land raising was requested in relation to flooding. Conditions were recommended to cover land contamination, infiltration of surface water drainage, piling methods, Japanese Knotweed control, Construction Environmental Management Plan, landscape management and various informatives. SUDS would be encouraged and the EA would wish to see designs for, and be consulted upon, any such drainage solutions, designed with wildlife in mind. There has been continuous dialogue between the applicants and the Environment Agency to address concerns raised, Further information is being provided in response to ongoing discussions, although the Environment Agency have commented there is unlikely to be any significant consequence for flood risk.

City of Rochester Society object against the loss of open space which is lacking in Strood and that Walnut Tree Bridge is totally unsuitable for any more traffic.

Strood Yacht Club states that traffic to and from the club emerges directly onto the approach to the Walnut Tree Bridge and can be 100 movements a day. There has been no mention of this and it is essential drivers leaving this club are made aware of the status of the lights. There is also a second flow of traffic coming from various commercial activities down stream from the bridge and adjoining the main traffic flow at the bridge. The applicant has confirmed that these requirements can be met in the detailed proposals which will need to be drawn up.

English Heritage raise no objections. Temple Manor is already significantly compromised and the railway creates a severance of the historic building from the riverside. The proposed development will not significantly harm the setting of the historic site. At its current height would not be particularly visible but the final height can be dealt with at a detailed application stage.

It is hoped that the regeneration will increase visitor numbers to Temple Manor and may be re-think the industrial site. The scale of the development proposed will not cause significant harm to the views from the Rochester Conservation Area or castle. The opening up of the site by development will provide a location from which to appreciate the panorama along the river Medway and the views to the historic city of Rochester.

Gazeley state that the proposed residential units so close to an industrial area is contrary to best practice. The masterplan submitted as part of the outline proposals represents a negative deviation from the original masterplan included within the adopted Development Brief for the site. The adopted brief states that Temple could deliver in excess of 15,000sqm of new commercial floorspace but the application falls short of this. The potential land use conflicts could effectively be avoided by a reversion to the original plan. The plans are contrary to principles of PPS1, PPS3, PPS12, Local Plan policy S10, EP2. The importance of delivering the former Tesco site is amplified by the shortfall in employment land supply. Residential development would result in loss in floorspace for Gazeley's and therefore a reduced number of jobs contrary to policy EP2. Policy RE2 of the South East Plan requires the provision of a range of site locations accessible to labour supplies and the former Tesco site should not be compromised. The Landscape and Visual Assessment is based on the initial Gazeley application which was subsequently withdrawn. The route based green link has not been shown on the illustrative masterplan. It is disappointing there is a lack of visual aid information. In terms of noise the best course of action would be to revert back to the original Development Brief masterplan. The application has not taken into account the potential noise from existing B2 uses and the railway. The noise chapter of the ES does not set out an assessment to demonstrate that appropriate plant noise limits are achievable. Phasing could better take account of noise issues. The noise chapter of the ES concludes in the Noise Summary Table that the residual effect and significance of noise from the former Tesco site is 'not significant' and does not accord with comments which have been raised by the EHO for the Gazeley's application. There have been ongoing discussion between the Council, Gazeley and the applicant to address these concerns and to matters relating to the two applications which were submitted at a broadly similar time. It is proposed that the issues raised can be addressed through conditions attached to any grant of planning permission for the relevant planning applications.

Kent Branch of CPRE states that the loss of open space is not supported by policy in the local plan. Policy L3 sets a clear presumption against the loss of existing formal open space. There are five exceptions and none of these are met by the developer. The developer hasn't explored different site layout options that take less open space. The allocation of additional land is contrary to PPS12 which states that the allocation of land for development is a matter for a Core Strategy or a Development Plan and not a Supplementary Planning Document. Sport England has also objected and the application falls under the remit of Circular 02/09.

The PCT (NHS Medway) responded requesting a contribution towards the development of 1 or more GP Practices in the area of Keystone Centre.

Medway Urban Parks and Green Spaces Forum state that more green space is needed - not a 33% reduction. The Riverside Walk has been left to degenerate but will surely be more utilised if extra homes and businesses were built. A Friends Group could be encouraged by local residents and/or councillors

Friends of Borstal Open Spaces state that the area of open space lost is not small. The neglect of the site is not in the spirit or the intention of the local plan. There is a requirement for more open space since the development in the chalk pit. A drawing showing visual representation would be more meaningful. There will be more pressure on the SNCI. The open space should not be built on. The Temple Waterfront area could become a pleasant riverside park.

National Planning Policy and Guidance

PPS1: Delivering Sustainable Development (2005)
PPS1: Supplement – Planning and Climate Change (2007)
PPS3: Housing (2008)
PPG4: Industrial, Commercial Development and Small Firms (1992)
PPS4: Planning for Sustainable Development (draft) (2007)
PPS6: Planning for Town Centre (2005)
PPS9: Biodiversity and Geological Conservation (2005)
PPS12: Local Spatial Planning (2008)
PPG13: Transport (2001)
PPG16: Archaeology and Planning (1990);
PPG17: Planning for Open Space, Sport and Leisure (2002)
PPS22: Renewable Energy (2004);
PPS23: Planning and Pollution Control (2004);
PPG24: Planning and Noise (1994); and
PPS25: Development and Flood Risk (2006).

Circulars

Circular 09/98: Town & Country Planning (Playing Fields) (England) Direction 1998
Circular 07/99: The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999.

Development Plan Policies

South East Plan 2009

Policy SP3	(Urban Focus And Urban Renaissance)
Policy CC1	(Sustainable Development)
Policy CC2	(Climate Change)
Policy CC3	(Resource Use)
Policy CC4	(Sustainable Design And Construction)
Policy CC6	(Sustainable Communities And Character Of The Environment)
Policy CC8	(Green Infrastructure)
Policy RE3	(Employment And Land Provision)
Policy H1	(Regional Housing Provision 2006-2026)
Policy H2	(Managing the Delivery of the Regional Housing Provision)
Policy H3	(Affordable Housing)
Policy H4	(Type and Size of New Housing)
Policy H5	(Housing Design and Density)
Policy BE1	(Management for Urban Renaissance)
Policy BE6	(Management of the Historic Environment)

Policy T2	(Mobility Management)
Policy T4	(Parking)
Policy T5	(Travel Plans and Advice)
Policy C7	(The River Thames Corridor)
Policy S1	(Supporting Healthy Communities)
Policy NRM1	(Sustainable Water Resources Development)
Policy NRM2	(Water Quality)
Policy NRM3	(Strategic Water Resources Development)
Policy NRM4	(Sustainable Flood Risk Management)
Policy NRM9	(Air Quality)
Policy NRM11	(Development Design for Energy Efficiency and Renewable Energy)
Policy NRM12	(Combined Heat and Power)
Policy NRM13	(Regional Renewable Energy Targets)
Policy NRM14	(Sub-Regional Targets for Land-Based Renewable Energy)
Policy W1	(Waste Reduction)
Policy W2	(Sustainable Design, Construction and Demolition)
Policy W8	(Waste Separation)
Policy KTG1	(Core Strategy)
Policy KTG2	(Economic Growth And Employment)
Policy KTG3	(Employment Locations)
Policy KTG4	(Amount And Distribution Of Housing Development)
Policy KTG5	(The Role Of The Retail Centres)
Policy KTG6	(Flood Risk)
Policy KTG7	(Green Initiatives)

Medway Local Plan 2003

Policy S1	(Development Strategy)
Policy S2	(Strategic Principles)
Policy S4	(Landscape and Urban Design)
Policy S6	(Planning Obligations)
Policy S10	(Strood Waterfront Action Area)
Policy BNE1	(General Principles for built Development)
Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise Standards)
Policy BNE4	(Energy Efficiency)
Policy BNE5	(Lighting)
Policy BNE6	(Landscape Design)
Policy BNE7	(Access for All)
Policy BNE8	(Security and Personal Safety)
Policy BNE18	(Setting of a Listed Building)
Policy BNE20	(Scheduled Ancient Monuments)
Policy BNE21	(Archaeological Sites)
Policy BNE22	(Environmental Enhancement)
Policy BNE23	(Contaminated Land)

Policy BNE24	(Air Quality)
Policy BNE36	(Strategic and Local Nature Conservation Sites)
Policy BNE37	(Wildlife Habitats)
Policy BNE38	(Wildlife Corridors and Stepping Stones)
Policy BNE39	(Protected Species)
Policy ED2	(Employment in Action Areas and Mixed Use Areas)
Policy H1	(New Residential Development)
Policy H3	(Affordable Housing)
Policy H4	(Housing in Urban Areas)
Policy H5	(High Density Housing)
Policy H10	(Housing Mix)
Policy R9	(Retail Provision in New Residential Developments)
Policy L3	(Protection of Open Space)
Policy L4	(Provision of Open Space in New Residential Developments)
Policy L10	(Public Rights of Way)
Policy L11	(Riverside Path and Cycle Way)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)
Policy T3	(Provision for Pedestrians)
Policy T4	(Cycle Facilities)
Policy T6	(Provision for Public Transport)
Policy T11	(Development Funded Transport Improvements)
Policy T12	(Traffic Management)
Policy T13	(Vehicle Parking Standards)
Policy T14	(Travel Plans)
Policy T22	(Provision for People with Disabilities)
Policy CF2	(New Community Facilities)
Policy CF6	(Primary Schools)
Policy CF11	(Renewable Energy)
Policy CF12	(Water Supply)
Policy CF13	(Tidal Flood Areas)

<u>Other documents</u>

Medway Renaissance Waterfront Strategy 2004
Temple Waterfront Development Brief 2006
A Building Height Policy for Medway 2006
Medway's Local Transport Plan 2006-2011
Medway Regeneration Framework 2006-2016
Manual for Streets (Dept. of Transport and CLG, 2007)
Medway Wildlife, Countryside and Open Space Strategy 2008-2016 (2008)
A Guide to Developer Contributions 2008

Planning Appraisal

In considering the application, account has to be taken of the available environmental information including the Environmental Impact Assessment, the National, Regional and the Development Plan framework, the documentation accompanying the application and all material representation made including the views of statutory and non-statutory consultees.

Summary of applicant's environmental impact statement

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, (as amended) require certain projects to be assessed to establish whether they would have any significant effect on the environment. If so, the planning authority must ensure the applicant carries out an assessment and submits a report that identifies, describes and assesses the effects that the project is likely to have on the environment. An Environmental Impact Assessment (EIA) has been undertaken for this proposal and an Environmental Statement (ES) has been submitted with this application. The following paragraphs of this sub-section of the Planning Appraisal for this application summarises the content of the ES. The ES examines each environmental topic as a separate section. Each of these sections refers to:

- The baseline environment;
- Assessment methodology;
- Potential impacts from the proposed development;
- Mitigation measures; and
- Residual effects.

The ES identifies, describes and assesses the likely significant impacts of the development on the environment including consideration of: beneficial and adverse impacts; short, medium and long-term impacts; direct and indirect impacts; and cumulative impact and impact interactions. The ES sets out to predict the likely impacts of the development from the site preparation to final use and occupation and takes account of mitigation measures.

The environmental issues addressed in the ES are:

- Transport and Access
- Air Quality
- Noise and Vibration
- Water Management
- Ground Conditions including Contaminated Land
- Ecology
- Landscape and Visual
- Archaeology and Cultural Heritage
- Socio-Economic and Well-Being
- Residual Effects

The ES comprises several studies which include a number of technical reports. Assessments designed to determine the existing situation and the potential impacts resulting from the proposal have been carried out for each topic area. Where negative impacts occur, mitigation measures are set out.

Transport and Access

Any new development creates additional traffic both during construction and upon occupation. The movement of construction traffic will be controlled through a Construction Environmental Management Plan (CEMP), which will set out restrictions such as the hours they can access the site and the routes taken.

Upon completion and therefore occupation, a travel plan for the site will be implemented that will incorporate measures to further encourage sustainable travel patterns by occupiers of the new development. In particular, the aim will be to reduce car traffic going to and from the site and encourage the use of public transport such as buses. Additional benefits of the development include improved access for pedestrians and cyclists in and around the site.

Air Quality

The ES concludes that during construction, occupiers of existing nearby residential buildings should not experience any annoyance as a result of dust generation. As a result of the phased construction approach, it is possible the occupiers of phase 1 may experience some dust annoyance during the construction of phase 2 in adverse weather conditions. However, dust will be controlled through implementation of a Construction Environmental Management Plan, which will prescribe measures to prevent dust becoming airborne. Following completion of the construction there will be no significant air quality effects caused by an increase in traffic.

Noise and Vibration

A Construction Environmental Management Plan will be implemented to restrict activities that may cause adverse effects of noise and vibration during construction.

Following completion of the development the increased traffic may slightly increase noise at Roman Way. However, there are no existing receptors adjacent to it and British Standards for noise at the proposed properties will be met through an appropriate level of double glazing.

Water Management

During construction there is a risk that flooding caused by rain may increase at nearby properties. However, a drainage system will be implemented to control the rainwater with discharges to the tidal River Medway.

Measures set out in the Construction Environmental Management Plan to avoid pollution to the river and to water in the ground during construction will be implemented before any water running off from the site is discharged.

Flooding is considered unlikely at the site, however, during construction, a flood evacuation plan will be developed and temporary flood defence structures will be used if necessary.

Following completion of the development at the site, the flood drainage strategy will ensure that increased runoff will not increase the risk of flooding. The use of oil separators prior to the discharge of water running off the site will reduce oil contamination in the water.

Land at the site will be raised to Environment Agency standards so that the risk of flooding will be reduced. There will also be a flood evacuation plan and a designated escape route in case an extreme flooding event does occur.

Ground Conditions including Contaminated Land

As the site is partly located on landfill and there have been contaminating activities undertaken on the site, there is some contamination present. Contamination can affect human health, ground water, buildings and ecological areas (receptors).

Collection of more detailed information will enable site specific measures to be developed to reduce any effects. Site specific measures will be implemented to reduce risk of any contaminated soil; asbestos fibres (from demolition of exiting buildings) or gas vapours (from the landfill) so that they are not significant.

Once the development is completed, there will be beneficial effects as the contaminated soil will be capped so that the possibility of such contamination reaching the receptors is reduced.

Where necessary, there will be ventilation systems to reduce the risk of landfill gas reaching receptors, which will need to be maintained.

Ecology

The development footprint would be entirely outside the Local Wildlife Site (SNCI) which is important for nightingales. The site also supports reptiles and contains habitat of value for invertebrates. Additionally, an access route through the retained scrubby area of the SNCI has been limited to a low key path designed to minimise disturbance and fragmentation of the scrub.

The main area of habitat that will be affected is an area of formerly developed bare ground which has some rare plants and also provides habitat for invertebrates. This area of habitat covering about 1.5 ha will be recreated elsewhere on the site to compensate for that which is lost.

During construction, measures will be taken to avoid loss of important species. Any vegetation that needs to be cleared will not be taken down in the bird nesting season to avoid affects on nesting birds. Also any reptiles will be captured and moved to areas of the site which will be enhanced to support them, prior to the commencement of works.

The Construction Environmental Management Plan will include controls on dust, noise and reducing the risk of pollutant spillages which will reduce the risk of adversely affecting wildlife during construction. The Construction Environmental Management Plan will also detail the timing of works to avoid effects on the breeding nightingales. Also works sites will be screened to reduce the levels of human and vehicular activity visible from the foreshore and any accidental disturbance of scrub habitat.

Once the development is completed, a management plan covering the various interests on the site will be implemented. Disturbance effects on birds will be addressed through habitat management and boundary treatments to reduce access and predation by cats and dogs.

Following completion of the development, additional recreational use of the footpath adjacent to the foreshore and the possible impacts on the salt marsh can be addressed by access management and the provision of information. This can be mitigated to a slight degree by the use information boards to explain the importance of the habitat to walkers.

Landscape and Visual

During construction, certain activities may change the landscape and visual characteristics of the site, such as construction machinery movements, the use of cranes and storage of materials. The main effects of this will be on views for visitors to the Esplanade gardens and on views for walkers on the footbridge over the railway due to the proximity of the site. Additionally, during Phase 1 of construction the main impact will be on views for visitors in Baty's Marsh and during Phase 2 will be impacts on views for visitors at the top of Rochester Castle due to its elevated location. The Construction Management Plan will control construction activities with the aim of reducing these effects.

It is considered that the development will not have significant effects on the views from the top of Rochester Castle and the Esplanade gardens. There will be beneficial effects on views for visitors within Baty's Marsh and walkers on the riverside walk and off Roman Way in Strood due to the removal of unsightly features (such as spoil heaps) and new planting.

Archaeology and Cultural Heritage

There is a 1940s pillbox on site which will be kept within the riverside park. There are no other above ground structures of importance to cultural heritage on the site itself. There may be some archaeology under the ground surface. Before construction begins there will be a programmes of investigation which will record any archaeological finds. During construction there will be a watching brief to record any unexpected artefacts uncovered by the works.

In the wider area there are two Scheduled Ancient Monuments (SAMs), namely Temple Manor and Rochester Castle about 1km to the north east of the site. The setting of these important buildings may be affected during construction activities due to the machinery and construction activities. However, the construction activities will be controlled by the Construction Environmental Management Plan. Once the development is completed there may be beneficial effect on these SAMs as regeneration may increase visitors to and awareness of the Temple Manor site, and the Riverside Park could provide an opportunity for people to appreciate views of Rochester Castle.

Socio-Economic and Well-Being

The provision of up to 620 dwellings will assist in meeting the demand for housing from the growing population in the area. The number of affordable homes in the area will increase by 155 units with a moderate beneficial effect. Around 320-440 new and retained jobs will be secured by the application and the amenity value of the open space will have increased. It is considered that the area will be more suitable for use by local residents with a moderate beneficial effect.

The local area is well provided for in terms of educational facilities and nursery provision. There are plenty of secondary schools nearby and a strong presence from educational establishments offering tertiary education. There is a supermarket approx. 0.4 miles away, local shops approx. 0.6 miles away and Strood Centre less than a mile away.

There is a medical centre nearby and the area is well served by recreational and leisure facilities. Employment created by the proposal will take the form of temporary employment during construction and permanent employment once the new facilities are up and running.

Summary

The proposed development has been the subject of an EIA in accordance with the prescribed Regulations. A specialist assessment has been undertaken for each of the key environmental topic areas and for any adverse impacts identified, mitigation measures have been identified to either reduce or remove any potential adverse impacts. The opportunity for improvement has been highlighted and incorporated into the design of the proposed development.

Policy Framework – Background

National and Regional Guidance

National planning policy and guidance is set out in the Government's Planning Policy Statements (PPS) and the older Planning Policy Guidance (PPG). Regional guidance is provided in The South East Plan that was recently adopted in 2009. It indicates how much development is justified and it's distribution across the region. The plan provides the strategic basis for development plan teams and development control departments within the southeast region.

PPS1 – Delivering Sustainable Development

This guidance sets out the overarching planning policies on the delivery of sustainable development through the planning system. The policies complement but do not replace or override other national planning policies. PPS 1 provides advice on the importance of design in the consideration of planning applications and also advises on land use and transport matters. PPS1 urges planning authorities to integrate transport and land use policies in ways which help to reduce growth in the length and number of motorised journeys and to reduce reliance on the private car in order to achieve sustainable patterns of development.

PPS3 – Housing

PPS3 establishes the Government's objectives for housing and advises that sustainable development is to be achieved through concentrating the majority of additional housing development within urban areas, making efficient use of land and incorporating a mix of uses. PPS3 sets out broad guidelines for the provision of affordable housing, placing emphasis on creating mixed, balanced and integrated communities.

PPG4 – Industrial and Commercial Development and Small Firms

PPG4 reiterates other guidance by highlighting the contribution that mixed uses can have in achieving sustainable development and the importance of re-using urban land. This guidance also emphasises the need for development to take account of the locational demands of business.

PPS6 – Planning for Town Centres

PPS6 sets out the Government's key objectives for town centres which is to promote their vitality and viability by planning for growth and promoting and enhancing existing centres by focusing development in such centres and also encouraging a wide range of services in a good environment that is accessible to all. Local Planning Authorities should:

- actively promote growth and manage change in town centre;
- define network and hierarchy of centre each performing their appropriate roles to meet the needs of their catchments; and
- adopt a proactive, plan led approach to planning for town centre, through regional and local planning.

PPS9 – Biodiversity and Geological Conservation

PPS9 sets out the Government's commitment to sustainable development and to conserving the diversity of wildlife. This guidance also provides on the policies and principles that apply to the integration of nature priorities and land use planning.

PPS12 – Local Spatial Planning

PPS12 explains what local spatial planning is, and how it benefits communities. It also sets out what the key ingredients of local spatial plans are and the key government policies on how they should be prepared. It should be taken into account by local planning authorities in preparing development plan documents and other local development documents.

PPS12 also gives advice in relation to supplementary planning documents.

PPG13 – Transport

PPG13 promotes more sustainable transport choices for both people and freight, by encouraging accessibility to jobs, shopping, leisure facilities and services by public transport, especially by car. PPG13 also suggests that Local Authorities should relate major travel generating development more closely to public transport and town centre and ensure such development is accessible by a choice of sustainable transport modes. Day to day facilities should be located in local centres to be accessible by walking and cycling. Parking policies should be used to reduce reliance on the car and promote sustainable transport. Priority should be given to people over traffic movement in town centres, residential and mixed use areas, by reallocating road space where appropriate. Sites should be protected where appropriate for future transport use.

PPG16 – Archaeology and Planning

PPG16 provides guidance on the handling of archaeological remains including the weight to be given to them in planning decisions and the use of planning conditions. The desirability of preserving archaeological remains is a material planning consideration and there is a presumption in favour of the physical preservation in situ of nationally important archaeological remains.

PPG17 – Planning for Open Space, Sport and Recreation

PPG17 provides guidance on assessing opportunities and the need for sport and recreation provision and the safeguarding of open space with recreational value.

PPG17 states that existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements. For open space, 'surplus to requirements' should include consideration of all the functions that open space can perform. Not all open space, sport and recreational land and buildings are of equal merit and some may be available for alternative uses.

PPS22 – Renewable Energy

PPS22 sets out the Government's planning policies for renewable energy which Local Planning Authorities should have regard to when making planning decisions.

PPS23 – Planning and Pollution Control

PPS23 states that the planning and pollution control systems are separate but complementary. The planning system should focus on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than the control of processes or emissions themselves. Local Planning Authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it.

PPS23 recognises that central to the achievement of the Government's objective of ensuring sustainable development is urban and rural regeneration and the redevelopment of previously developed sites. A balanced approach is required which addresses the risk of pollution, whilst recognising the benefits of recycling previously development land and the damage to community and business confidence caused by failing to remediate contaminated land. Where land is affected by contamination, development can provide an opportunity to address the problem for the benefit of the wider community and bringing the land back into beneficial use.

PPG24 – Planning and Noise

PPG24 sets out the Government's advice on how to minimise the impact of noise on new development. It recognises that in some instances that it will be hard to reconcile some land uses and that where possible noise sensitive development should be separated from major noise sources. Housing, hospitals and schools are generally considered noise sensitive developments and consideration should be given to whether proposals for new noise sensitive development are incompatible with existing activities. Measures can be introduced to control the source of, or limit the exposure to noise and such measures should be proportionate and reasonable.

PPS25 – Development and Flood Risk

PPS25 sets out the Government's aims on development and flood risk which are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from

areas at highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.

Development Plan and Related Documents

Section 38 of The Planning and Compulsory Purchase Act 2004 (the 2004 Act) (formerly Section 54A of the Town and Country Planning Act 1990) requires that where the Development Plan is material to a proposed development then the application must be determined in accordance with that plan unless material considerations indicate otherwise.

Medway Local Plan 2003

The current Medway Local Plan was adopted in May 2003. The Plan takes into consideration national and regional planning policy and sets out the strategy, objectives and detailed policy for guiding development in Medway.

Medway Renaissance Waterfront Strategy

This sets out the expected development strategy for the waterfront within Medway for the next 20 years and brings together and builds upon other planning guidance already in place.

Temple Waterfront Development Brief

The development brief sets out a series of overarching planning and design principles under which the future development of Temple Waterfront will take place. The primary aim of the development brief is to guide and inform the physical aspects of the development to bring about a high quality cohesive scheme that will be carefully considered as a whole rather than just a collection of buildings. The Council formally adopted the brief as a Supplementary Planning Document in 2006. The brief provides planning and design guidance to promote development interest and will be used for development control purposes.

Policy Context – Site specific considerations

The application site consists of previously developed land that consists of 5 main areas; a former cement works, now demolished; an area of open space owned by Medway Council called Temple Marsh – part of which was a former landfill site; a working timber yard called Morgan Timber Yard; an area which accommodates a range of open industrial uses including skip hire, open storage, and scrap metal recovery operations; and part of the site which used to be a karting track forms part of a Local Wildlife Site (previously called Sites of Nature Conservation Interest (SNCI)) designated by Kent Wildlife Trust, which also extends outside of the application site boundary to include the intertidal habitats of the Medway Estuary. The part of the Local Wildlife Site, which falls within the application site, has become a mixture of dense and open scrubby vegetation.

Medway Local Plan and Temple Waterfront Development Brief

The Medway Local Plan identifies strategic locations that are of a scale warranting consideration as strategic allocations. Policy S10 relates to the Strood Waterfront Action Area and states:

The area of the Medway riverside south of Strood town centre, as defined on the proposals map, is designated as an Action Area. The regeneration of this area will be sought, over the next ten years, in accordance with a development brief approved by the Council. Features which the Action Area is expected to provide include:

- The development of approximately 100 dwellings by 2006, including affordable housing.
- The provision of a riverside walk with a soft river edge where appropriate to the circumstances.
- A possible alternative route for the A228, avoiding Darnley Arch.
- Improved vehicular circulation south of Strood town centre.
- A new station on the Medway Valley railway line. The creation of an appropriate setting for the listed Temple Manor.
- The construction of appropriate community facilities and improved access to the Temple Marsh public open space.
- Appropriate employment uses falling within the Use Classes B1, B2 and B8.
- Other uses appropriate to the location.

Principles for new development proposals are also set out. These state that:

All new development will be expected to comply with the following principles:

i. Comprehensive redevelopment to maximise the potential for securing the regeneration of the whole Action Area and its vicinity;
ii. A high standard of urban design and landscaping, establishing it as a new quarter of the urban area;
iii. High quality mixed developments, appropriate to the location of this area close to both the riverside and opposite historic Rochester;
iv. The provision of good public transport, pedestrian and cycle links within the site and to Strood town centre and to the wider public transport network, including Strood railway station.

An ecological and hydrological appraisal will be required of the impact of any development proposals, particularly the construction of a new river wall, on the mudflats and inter-tidal areas.

Reference is also made in Policy S10 to the potential for regional-scale stadium uses to be accommodated on the site. Previous development proposals for such uses have not been successfully advanced because of a range of constraining issues including transport and accessibility.

The Temple Waterfront Development Brief develops upon adopted Local Plan Policy S10 through a sequence of six themes:

1. Design
2. Land use
3. Open space and nature conservation
4. Community facilities
5. Movement
6. Sustainability

These themes are developed throughout the Development Brief as guiding principles to communicate the expectations and main priorities in promoting development at Temple Waterfront. The masterplan appears at a later stage in the evolution of the design approach within the Development Brief. It builds on the design concept and uses guiding principles to define a development form. The illustrative masterplan is, by its nature, an expression of potential and does not seek to set out detail or define the exact form development. This approach is an interpretation of the guidance, and whilst it reflects the Council's aspirations, it should not be construed to be the only acceptable design solution. This also applies to the masterplan included within the Design and Access Statement (DAS) that accompanies the application.

The guiding principles and the masterplan set out in the Development Brief that have been developed to guide future development seek to deliver:

- Approx. 600 dwellings
- Approx. 20,000 sqm of employment and commercial floorspace
- Approx. 15,000 sqm of mixed commercial floorspace
- Approx. 5, 000 sqm for the relocation of Morgan Timber
- A local centre
- Open space and riverside park
- A route along the river's edge

Medway Waterfront Renaissance Strategy

As part of the Strood Waterfront area, the following role for the application site is set:

"The site provides an excellent opportunity for a mixed use development that can contribute to the regeneration of this part of the waterfront, achieve the creation of a quality open space and riverside walk and assist in the integration of existing and emerging communities in Strood. A quality development here will greatly enhance the environment of the area."

Aspirations for the Strood Waterfront area include:

- Housing, including affordable housing
- The provision of a river walk
- Improvement to the vehicular circulation south of Strood centre
- The establishment of a new station on the Medway Valley line
- Improvement of the setting of Temple Manor and improved access to Temple Marsh open space
- Provision of appropriate community facilities
- Encouragement of office, light industrial, general industrial and warehousing development
- The provision of appropriate sports facilities.

Assessment of the submitted application within the context of Development Plan, National and Regional Policy

In land use terms the application is considered to comply with the Development Brief for this site. The application is also considered consistent with current national planning policy and guidance and regional planning policy contained in the South East Plan 2009.

Policy L3 of the Medway Local Plan 2003 designates part the site as protected open space and Policy S10 of the Medway Local Plan 2003 suggests a development of approx. 100 dwellings and a new station on the Medway Valley railway line. The Medway Local Plan 2003 is an ageing document and Medway Council is in the process of preparing the Local Development Framework in the near future to replace the Local Plan. The Development Brief and the regeneration document, which identifies this regeneration site, are more recently adopted policy documents which are more up to date and therefore material considerations which must be given significant weight.

Housing

For the period of the Local Plan up to 2006, Policy H1 of the Medway Local Plan 2003 allocates sites for housing development. Each site has an indicative capacity that reflected the Council's initial assessment of the site. The initial allocation for Strood Waterfront, of which the application site is part, is, 100 units. It is clear that the proposal for 620 units is much higher than the initial 100 units set out in Policy H1, however, this policy pre-dates Planning Policy Statement 3: Housing (November 2006) and the adoption of the Development Brief (October 2006). PPS3 and accompanying advice and guidance have been developed in response to recommendations in the *Barker Review of Housing Supply* in March 2004. A principal aim of PPS3 is to underpin the Government's response to the *Barker Review of Housing Supply* and the necessary step-change in housing delivery, through a new, more responsive approach to land supply at the local level. PPS3 sets out criteria for Local Planning Authorities to take account of when determining the level of local housing provision including:

- Evidence of current and future levels of need and demand for housing and affordability levels;
- Local and sub-regional evidence of the availability of suitable land for housing;
- The Government's overall ambitions for affordability across the housing market;
- A Sustainability Appraisal of the environmental, social and economic implications, including costs, benefits and risks of development;
- An assessment of the impact of development upon existing or planned infrastructure and of any new infrastructure required.

Whilst adopted prior to the publication of PPS3, the preparation of the Temple Waterfront Development Brief was undertaken taking account of the emerging PPS3 and therefore the principles related to development densities, the effective use of land, the delivery of affordable housing, housing mix and a choice of housing types. Principle 2: The Use of Land and Mix of Uses in the Development Brief sets out the level of development giving a figure of around 600 dwellings. This figure was inline with the density guidance of 30-50 dph as set out in Planning Policy Guidance note 3: Housing (the national policy at the time of preparing of the Development Brief) and the guidance of 30 dwellings per hectare (dph) net as a national indicative minimum as set out in PPS3 (emerging policy at the time of preparing the Development Brief) when discounting the area occupied by the SNCI. The proposed figure of 620 results in an average density of 53 d.p.h for the developable area is considered to be in accordance with the current PPS3 and is also consistent with the provisions of Policies H1 and KTG4 of the recently adopted South East Plan 2009 and the Temple Watefront Development Brief.

In relation to the location of development, whilst contributing to meeting the Local Plan provision for new housing, the redevelopment of this site will also be consistent with the proposed target set out in PPS3 of at least 60 per cent of new housing being provided on previously developed land. The approach to locating new housing on previously development sites in urban areas would be in accordance with the provisions of Policies SP3 and KTG1 of the South East Plan 2009, Policy H4 of the Medway Local Plan 2003 and the Temple Waterfront Development Brief.

Affordable Housing

Policy H3 of the Medway Local Plan 2003 sets out a requirement for 25 per cent of the new housing within the Temple Waterfront site to be affordable housing. Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should:

- Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.
- Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.

National policy and the regional Policies H2 and H3 of the South East Plan 2009 also recognise the importance of the provision of affordable housing. PPS3, the Development Brief and the Guide to Developer Contributions state that the provision of affordable housing should be in accordance with the current adopted Local Plan Policy.

The application proposes 25% affordable housing. This level of provision is in accordance with Policies H2 and H3 of the South East Plan 2009, Policy H3 of the Medway Local Plan 2003, the Temple Waterfront Development Brief and is in accordance with the Government's objectives for affordable housing provision. The provision of affordable housing should be secured through a legal agreement accompanying any planning permission for the proposed development.

Housing Mix

PPS3, Policies H2 and H4 of the South East Plan 2009 and policy H10 of the Medway Local Plan 2003 support the delivery of a mix of dwelling including different types and size. Whilst no definitive mix is specified, the assumptions have been made in order to produce the indicative masterplan. The masterplan has been developed on the basis of providing an approximate split of approx. 50% houses and 50% flats and the following split in terms of housing typologies:

Housing or Flats	Residential Housing Types	Housing Typologies: potential number of bedrooms	% split
Housing	Detached houses	3 – 5 bedrooms	4.1
	Semi-detached houses	2 – 4 bedrooms	5.5
	Park townhouses	3 – 4 bedrooms	4.9
	Terraced houses	2 – 3 bedrooms	33.6
Flats	Flats	1 – 3 bedrooms	52.0
Total			100.0

Whilst the masterplan is only indicative, these figures demonstrate that it is possible to achieve an appropriate mix of housing types within the site. On this basis, it is considered that the development can be implemented in accordance with the provisions of PPS3, Policies H2 and H4 of the South East Plan 2009, Policy H10 of the Medway Local Plan 2003 and the provisions of the Temple Waterfront Development Brief.

Other Proposed Uses

In accordance with Policy S10 of the Medway Local Plan 2003 and the Development Brief, the submitted application is for a mixed-use development. As well as residential use, the application proposes other complimentary uses and facilities to meet the needs of the occupiers of the development and the immediate area. These include employment uses, retail and food and drink uses to serve the local community as well as other community facilities.

Employment

There are employment uses currently located within the confines of the application site boundaries. Morgan Timber Yard is the main operation on the site. The timber yard accommodates various timber processing functions, including storage and milling, sales and administration.

In addition to Morgan Timber, the area to the south of the timber yard is occupied by a variety of companies involved in various material handling uses, such as skip hire, scrap metal recovery and storage of construction material. The planning history for the uses here show that planning permissions (both historic and current) were granted on a temporary basis so as to not prejudice the future redevelopment of the site.

Policy RE3 of the South East Plan 2009 supports the provision of employment land in suitably accessible locations. In addition, Policies KTG2 and KTG3 of the South East Plan 2009 also support the development of economy and employment within Medway particularly in conjunction with new housing.

Policy ED2 of the Medway Local Plan 2003 relates specifically to employment within strategically designated action areas and paragraph iii) promotes development for B1, B2 and B8 with the extent of development to be determined within development briefs to be prepared and adopted for the area.

The Development Brief goes on to prescribe a provision of employment opportunities including purpose built business space, light industry, office space, start up space and other general B1 and B2 uses. The Development Brief also states that B8 uses may also be acceptable. The Development Brief advises that approx. 15,000 sqm of commercial floorspace in addition to any retention of the Morgan Timber operation should be sought. Specifically there is a requirement for the retention of approx. 2 ha for the existing Morgan Timber operation.

The application proposes up to 10,300 sqm of employment floorspace (Use Classes B1a/b/c, B2 and B8). Of the proposed 10,300 sqm, 3,200 sqm would be a reconfigured site for the Morgan Timber operation (set within an adequately sized area within the application site) and at least 3,200 sqm would be for B1a use (offices not within Use Class A2). The remaining 3,900 sqm would be for employment falling under the Use Classes B1 a/b/c, B2 and B8. The floorspace of the Morgan Timber operation represents approx. 31% and the provision of B1a represents approx. 31% of the overall employment floorspace.

The provision of a mix of employment uses within the site as proposed, is considered to be in accordance with the provisions of the abovementioned policies set out in the South East Plan 2009 and the Medway Local Plan 2003. The reduction of the proposed employment floorspace from the figure of approx. 15,000 sqm given in the Development Brief is explained by the changing market requirements and increasing demand for office floorspace in Medway that has prompted the high proportion of office use proposed by the application; and the decision of Morgan Timber to retain their operation within the application site within a reconfigured facility. Taking this into account and that the Development Brief gives the guidance as ‘up to’ 15,000 sqm, it is considered that the proposal would be in accordance with the abovementioned Policies and the Temple Waterfront Development Brief.

Food and Drink

The application proposes up to 1,800 sqm of retail floorspace (Use Classes A1 to A5). PPS6 seeks to ensure the availability of a range of shopping opportunities to which people have easy access. Policy KTG5 of the South East Plan 2009 sets out the role of retail centres and supports the provisions of PPS6. Part (iv) of KTG5 refers specifically to the requirement to provide local and district facilities in appropriate town centres in conjunction with the development of major new neighbourhoods. Policy R9 of the Medway Local Plan 2003 also supports the provision of local retail centres within major residential development proposals giving a list of sites as defined on the proposals map. Whilst the list of sites given within this Policy does not include the application site, the principle behind Policy R9 is adopted by the Development Brief in that the local centre should offer retail provision to support the day-to-day needs of the local community. The provision of up to 1,800 sqm would be more than adequate to comply with the abovementioned policies and to meet the requirement of the Development Brief for the provision of a 500 sqm convenience store as well as a mix of other suitable uses within the retail classes. As the retail provision would not result in the delivery of less than 2,500 sqm, a Retail Impact Assessment (RIA) is not required as part of this planning application.

Community Facilities

The application proposes up to 200 sqm community facilities (Use Classes D1/D2). The precise mix of the community facilities however will not be determined until detailed proposals for the site are submitted. Nevertheless the provision of community facility floorspace at the outline stage is in accordance with the Temple Waterfront Development Brief and Policy CF2 of the Medway Local Plan 2003.

Design

Government guidance within PPS1 offers advice on the importance of design in the consideration of planning applications and in particular, it states:

"Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.

Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

High quality and inclusive design should be the aim of all those involved in the development process. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreations. It means ensuring a place will function well and add to the overall lifetime of the development. This requires carefully planned, high quality buildings and spaces that support the efficient use of resources. Although visual appearance and the architecture of individual buildings are clearly factors in achieving these objectives, securing high quality and inclusive design goes far beyond aesthetic considerations. Good design should:

- address the connections between people and places by considering the needs of people to access jobs and key services;
- be integrated into the existing urban form and the natural and built environments;
- be an integral part of the processes for ensuring successful, safe and inclusive villages, towns and cities;
- create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and consider the direct and indirect impacts on the natural environment."

Key objectives should include ensuring that developments: "…

- are sustainable, durable and adaptable (including taking account of natural hazards such as flooding) and make efficient and prudent use of resources;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to their local context and create or reinforce local distinctiveness;
- create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion;

- address the needs of all in society and are accessible, usable and easy to understand by them; and
- are visually attractive as a result of good architecture and appropriate landscaping."

Regional Planning Policies SP3, CC6, BE1 and KTG1 of the South East Plan 2009 support the provisions of PPS1 and seek to ensure that development within the region creates a high quality built environment that is sustainable and promotes a sense of place. These requirements involve design processes related to accessibility, social inclusion, environmentally sensitive development and crime reduction.

At the local level, Policies S4, S10, BNE1, BNE6 and BNE8 of the Medway Local Plan 2003 all emphasize the importance of achieving high quality in landscape and urban design that results in safe and attractive environments.

The design concept of the Development Brief states that,

"Development should be of high quality and include mixed uses within an enhanced landscape and ecological setting, responding to the development influences of the site and its surroundings and creating local distinctiveness."

The final appearance, layout, scale, landscaping and access of the development will be considered when reserved matters are submitted pursuant to any outline planning permission for the proposed development. The application however, includes enough supporting information to give a good indication of the overall design approach to be adopted in terms of the buildings, streets and public realm.

A Design and Access Statement accompanies the application. The statement refers to the key principles of the Development Brief for delivering high quality urban design. The submitted parameter plans show the broad principles of development giving an indication of elements relating to land use, scale and layout. An illustrative masterplan is also included within the Design and Access statement to demonstrate how the proposed level of development could fit within the site and within the design principles set out within the Development Brief.

From the six key principles, the Development Brief works up a design approach giving guidance on spatial structure, visual response, movement, nodes and activity, site massing and green space components. In addition, an illustrative masterplan was also included within the Development Brief. It is inevitable that in progressing the scheme towards planning permission with further work being carried out, that the scheme has changed in terms of the illustrative masterplan. The masterplan has been refined since the Development Brief of 2006 and it represents an improvement upon this work. In terms of design, it is considered that the illustrative masterplan submitted as part of the Design and Access statement is carefully thought through for a site with stunning potential.

The design concept for the current illustrative masterplan is based upon a series of key structuring elements which serve to guide development layout, distribution of uses and primary infrastructure.

River Medway

The presence of the river has an important bearing upon the layout, form and density of uses. The design ethos is to ensure that the river is not closed off by private dwellings but that the river's edge is maintained as an open, accessible asset to be enjoyed by all and linked to the proposed green space within the heart of the site. The proposal includes a riverside walk which is intended to be both formal and informal in its appearance depending on its location with the application site. This is to ensure that the walk responds appropriately to its context and enables the pedestrian to have different experiences throughout its length.

In part, more intense development forms are proposed for some areas by the river to maximise both access and experience. Examples of this would include conveniently placed uses such as the proposed local centre which is to be positioned at the southern point of the site, and a pub within a mixed use area to the northwestern point of the site. Both of these sites would benefit from the views of the river and/or the castle opposite.

A highly permeable pedestrian network will allow people living and working within the area to quickly access the riverwalk via a choice of routes, mainly through the riverside park but also along a circular route within the site.

Access Points/Boulevard

There are two principal points of vehicular access serving the site that are linked by a boulevard. The overall structure of a major boulevard separating different parts of the site is sound. It will help form a strong overall character for the neighbourhood and will help separate it into different character zones. Incidents along this boulevard such as the neighbourhood centre, the square backed by a tall focal point building, occasional views through to the park and river will provide interest and character.

The access to the southwest corner of the application site from Roman Way would be the first section of boulevard running north. The siting of the local centre at this point and the elevated nature of the road providing clear views across the site and river would create a 'grand' entrance to the site.

It is considered that the position of the local centre at the entrance will be strong feature which will help establish the identity of the neighbourhood. In addition this centre benefits from an amazing relationship with the river. The positioning of the mixed use/ employment elements of the scheme in a more urban quarter adjacent to the Morgan Timber operation also makes sense.

The access to the north, under Walnut Trees Bridge is of restricted width and would be signalised to control traffic flow. As such this access will be less of a gateway into the site when compared to the Roman Way access. However, the open and spacious character with views of the river will contribute to an attractive arrival into the site.

Morgan Timber

The application proposes the retention of the Morgan Timber operation within a reconfigured site. Its operation is to involve the use of some retained buildings and some new purpose-built buildings.

The smaller reconfigured Morgan Timber site releases land at the northern point of the site and provides an opportunity to introduce a landmark gateway building. However, as a result of the nature and operation, the buildings along the Morgan Timber operation will present a relatively continuous and blank frontage to the boulevard. The detailed design of the reconfigured Morgan Timber site will be for consideration at reserved matters stage, however it is important to ensure that this stretch of the boulevard introduces as much activity and animation into the streetscene as possible.

As such it will be necessary to enliven the elevations here through sympathetically designed cladding and through well landscaped site boundaries and verges. In addition to this and to enliven the street, a mix of largely commercial uses on the opposite side of the boulevard is proposed at ground floor level to help create variety and activity. It is considered that a condition be attached to any forthcoming planning permission to ensure that the layout of the development is broadly in accordance with the submitted illustrative masterplan and given the length of time a development of this size is likely to take to build out, and that significant changes in market conditions and policies can occur, it is also recommended that a condition be attached to any forthcoming planning permission to allow for reviews of the illustrative masterplan to be undertaken.

Railway

The railway forms a strong and immoveable edge to the northwest of the site. The scheme has been designed to utilise this edge to provide terraces of buildings along the boulevard with back gardens facing the railway embankment. It is considered that the terraces fronting onto the boulevard would create a strong building line and depending on the height, the dwellings would create an appropriate sense of enclosure in relation to the type of street. The building heights plan indicates that the buildings to be located on the northwestern side of the boulevard are to be up to three storeys high. This is considered appropriate for a boulevard to provide enclosure and an edge but also retaining space between the buildings on either side of the road.

Riverside Park/SNCI

The SNCI and the more extensive open space to the north and along the river will form a major riverside park. The location of this open space asset is determined largely by the SNCI and the presence of the river but also responds to the existence of the former landfill site, which limits potential alternative land uses upon it as well as protective planning policy to ensure its retention.

The riverside park will have a key role within the development and the wider area, providing a valuable open space resource. The proposed development seeks to respond positively to the park in terms of accessibility, building frontages and ecological enhancement. The illustrative masterplan shows that no residential rear gardens abut the SNCI. This intentional design element is considered appropriate and necessary in order to increase surveillance of the SNCI, create a secure boundary and avoid risk of fly-tipping. The boulevard is located some distance from the SNCI to restrict the possible impact of vehicular traffic on the ecological asset. Indeed, the design of the layout of the indicative masterplan shows that a distinct effort has been made to ensure that the highest accessibility is maintained into the riverside park with minimal disturbance to the ecological value of the SNCI.

Turning to the issue of the urban quarters. It is considered that the urban quarters are distinct in terms of individual character, density, building form and dwelling type. It is also encouraging to see that a wide range of dwelling types is provided, including a substantial proportion of family housing.

Figure 5.5 in the Design and Access Statement (David Lock Associates drawing number LAF009/144) divides the proposal into parcels to aid description.

Parcel A – Located at the southern point of the site, this parcel occupies a prominent position within the site and is important in terms of forming the gateway and entrance into the site from Roman Way. The buildings here would assert their importance through scale, density and architectural design. It is anticipated that the height of the building would be up to 4 storeys in height and at a density of 100 d.p.h. The form of residential dwellings within this parcel comprises flats.

Parcel B – This parcel would front onto the spur of the boulevard and it heads north into the site. The building heights here would be up to 2.5 storeys for the blocks on the interior side of the parcel and up to 3 storeys for the blocks fronting the boulevard. Density would be approx. 60-69 d.p.h with the residential form being of terraced housing.

Parcel C – This parcel is highly visible from the site entrance and so contains the local centre. The mixed use centre would be located around a public square. Buildings of up to 4 storeys would emphasise the importance of the development in this parcel in terms of its function of both terminating the view from the site entrance and being the main centre for the prospective community. In terms of the residential units within this parcel, the illustrative masterplan presents a form of terrace townhouses fronting the square and flats set above the commercial units on the upper two floors. It is anticipated that the ground floor of the commercial is to be double height space with mezzanine.

Parcel D – More informal lower density residential development is proposed for this parcel. The development would include mews and homezone (streets where people and vehicles share the road space safely and on equal terms) areas. The intention here is to create a more intimate, quiet area of the neighbourhood with densities ranging from 30 to 49 d.p.h. Building heights are also to be relatively low at up to 3 storeys along the boulevard and up to 2.5 storeys elsewhere within the parcel. The housing types would be a mix of short terraces, semi-detached and detached houses.

Parcel E – This development would front the boulevard. The emphasis here would be on continuous building lines with minimum set back from the street to create a defined enclosure to the street. Densities and building heights in all but one location are proposed to be consistently high are up to 3 storeys and 40 to 49 d.p.h.

An ‘intervention’ in height and massing terms is proposed mid-way down the boulevard to accentuate a route for pedestrians to the riverside park. A positive change in the scale and massing of the built form is intended to indicate the entrance to a Home Zone, and from there, to the riverside park. At this point, building heights will reduce to 2.5 storeys allowing for a contrasting style of development such as detached houses.

Parcel F – East of the boulevard, this residential area is structured around the informal street network which will take the form of home zones. A range of densities between 40-59 and heights of up to 3 storeys will be located here. The form is likely to be of short terraces, semi-detached and detached family housing and gardens.

Parcel G – The residential units in this parcel are proposed to front and obliquely face onto the riverside park. The building heights are proposed to vary from up to 2.5 to 3 storeys and have varied orientation resulting in a mixture of frontages, gable ends and corners to the park. This variation and mix will allow for overlooking of the park and therefore natural surveillance.

Parcel H – The important mid-site orientation point along the boulevard, a 6-storey mixed use development is proposed including residential units. High densities of 90-99 d.p.h are appropriate in this location, as the built form will define the key riverside park gateway.

Parcel I – High density residential development is proposed to continue in this parcel with density of 90-99 d.p.h at up to 3 storeys high would be located in this area. The densities proposed indicate flatted development with parking provided within the interior of the perimeter style blocks.

Parcel J – In contrast to Parcel I, parcel J introduces residential development at a density of 20-29 d.p.h to reflect its location adjacent to the open space. The density here points to this parcel being of family housing in the form of townhouses.

Parcel K – Development in this location would vary in density from 30 to 89 d.p.h indicating a mix of flats and townhouses. Mixed use blocks of commercial and residential would also be included and located along the boulevard.

Density

It is acknowledged in some circumstances that the density of some parcels or individual blocks is quite high. This generally occurs where the form is of flatted development. Consideration of the number of units and the site’s ability to accommodate that number within its developable area was considered both at the consultation and adoption stages of the Development Brief. 600 units on the application site was considered to appropriate in terms of the number of units to be accommodated within the developable area and is therefore adopted as such.

High density in itself is not a reason for rejecting development. Design at the detailed stages of the proposal will be influential in ensuring that the development results in an adequate level of residential amenity and that it is accommodated within the site in a way that would not result in the development appearing cramped. It is considered that with a high quality of design in architecture and detailed site layout, the level of development proposed can be acceptably accommodated within the site.

The average density of the residential units within the developable area across the site (excluding the 11 ha of open space and 4.6ha of SNCI) is calculated at approx. 53 d.p.h.

Building types and densities are well related to this spatial framework and overall this is a masterplan that successfully integrates the four aspects of movement, land-use, built form, and open space into a coherent form. Subject to the imposition of relevant conditions to any forthcoming planning permission, the proposal is considered to be in accordance with PPS1, Policies SP3, CC6, BE1, H5 and KTG1 of the South East Plan 2009, Policies S4, S10, H5, BNE1 and BNE6 of the Medway Local Plan 2003 and the provisions of the Temple Waterfront Development Brief.

Inclusive Development

The Government is fully committed to an inclusive society in which nobody is disadvantaged as set in PPS1. Policies CC1, CC4 and S1 of the South East Plan 2009 and Policy BNE7 of the Medway Local Plan 2003 also relate to the issue of inclusive societies and access for all. An important part of delivering this is commitment is breaking down unnecessary physical barriers and exclusions imposed on disabled people by poor design of buildings and places. The Government's publication – Planning and access for disabled people: a good practice (ODPM, 2003) describes how all those involved in the development process can play their part in delivering physical environments which can be used by everyone. The primary objective of the guide is to ensure the planning system successfully and consistently delivers inclusive environments as an integral part of the development process. This is especially so in relation to major regeneration schemes such as Temple Waterfront which require a broad approach to inclusive design, addressing movement through public areas as well as the design of buildings.

Mobility housing is ordinary housing built to a certain basic standard so that it can be adapted to be lived in by people with disabilities who are not confined to a wheelchair. Part M of the Building Regulations ensures that new build housing is built to mobility standards. Wheelchair housing is housing specifically designed to meet the needs of wheelchair users. It can be adapted to meet the requirements of particular individuals. It needs to be on one level and the main feature additional to mobility housing is that space standards should be generous to allow a wheelchair to manoeuvre. Very little of current housing stock is suitable for wheelchair users and given the number of units proposed for Temple Waterfront it is considered that a proportion of new dwellings should be designed so that they can be easily adapted to meet the needs of a person confined to a wheelchair. It is therefore recommended that a condition be attached to any forthcoming planning permission to ensure that this is delivered.

Crime Prevention in Design

Policy BNE8 of the Medway Local Plan 2003 relates to Security and Personal Safety. It is essential that all sections of the community, especially those who may be vulnerable to crime should feel safe and secure. It is an integral part of the design process to achieve this and developments should seek to design out crime in line with the advice contained in PPS1 and the good practice guidance produced by the ODPM, Safer Places – the Planning System and Crime Prevention (2004). It is the intention of the applicants for the development to be designed with crime reduction/prevention measures however this is a matter for detailed design stage. It is recommended that should planning permission be forthcoming, a condition be attached to ensure crime prevention measures are designed in. With the use of

such a condition, it is considered that the proposal would be in accordance with PPS1, Policies CC1 and CC6 South East Plan 2009, Policy BNE8 of the Medway Local Plan 2003 and the provisions of the Temple Waterfront Development Brief.

Sustainability

The Government's objectives for the planning system are set out in PPS1 and the statement states that sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations.

The development is a high density, mixed use development which makes efficient use of previously developed land. It is located in an urban area where people can access services on foot, bicycle or by public transport rather than having to rely on the car. Employment and retail uses are to be provided on site and an existing leisure park is located to the southwest. Accordingly the proposal is considered to satisfy key sustainable objectives of promoting the more efficient use of land, of reducing the need to travel and ensuring good access to services. The objectives for the development of Temple Waterfront to achieve best practice in sustainability are set out in Principle 6 in the Development Brief.

As this is an outline planning application many of the issues relating to the sustainability of building design and energy efficiency will be considered at a later detailed stage. There is however a commitment that the residential units will be built to achieve a minimum of Code for Sustainable Homes (CSH) Level 3 (25% reduction in CO2 emissions by 2010) and that the new non-residential buildings will achieve BREEAM Very Good standard as a minimum.

The CSH assesses the performance of new homes in nine separate areas:

- Energy and Carbon Dioxide Emissions
- Water
- Materials
- Surface Water run-off
- Waste
- Pollution
- Health and Wellbeing
- Management
- Ecology

In general terms, the CSH aims to reduce Energy Use and Emissions, Water, Waste and Pollution. It seeks to reduce the consumption of materials that are used in construction, and replace those that are used with more environmentally friendly options. It aims to reduce surface water run-off through better management of the land required for development. There needs to be through consideration of ecological aspects, through survey work and possible mitigation solutions. For Temple Waterfront, the ecological issue is of high importance as part of the site is designated as a SNCI. The CSH assists with improving health and wellbeing through good design and behaviour change and strives to encourage good management through accepted Codes of Construction, amongst others. In terms of construction management, a condition should be attached to any forthcoming planning permission to require the submission of a Construction Environmental Management Plan.

In relation to renewable technology and the contribution of these to meeting a target of providing at least 10% of the site's electricity and heat needs where feasible, it is considered that there are a number of renewable energy technologies that could be possibly incorporated into the final development. Solar thermal water heating (STWH) systems are a good way of achieving gains in energy efficiency. The extent of STWH will be governed by the amount of appropriate roof space available. Solar photovoltaics (PV) also provide possibilities on the Temple Waterfront site, but will be subject to similar requirements to that of STWH in terms of constraints from roof orientation and over-shadowing. Biomass heating could be integrated with the installation of a community heating system with a central biomass plant supply a network to provide heat and or electricity to a portion of the site. A heat network would supply space and water heating. This option would involve the installation of a heat mains network that would involve additional costs but may result in significant carbon savings. Biomass and Gas Combined Heat and Power (CHP) technology would involve the installation of a heating and power system. A biomass CHP plant (for whichever type) is an installation where there is simultaneous generation of usable heat and power in a single process. The basic element of CHP plant comprise one or more 'prime movers' usually driving electrical generators, where heat generated in the process is utilised via heat recovery equipment for a variety of purposes including: industrial processes, community heating and space heating. It is recommended in the submitted sustainability assessment that all of these options warrant further assessment.

Other technologies have been assessed but have been dismissed due to the lack of suitability of the application site for the particular technology.

It is recommended that a condition be attached to any forthcoming planning permission requiring an assessment of the site's energy demand and options for meeting 10% of demand through the use of renewable technology. With the imposition of the suggested conditions, the development would be in accordance with PPS1 and PPS22, Policies CC1, CC2, CC4, NRM11, NRM12, NRM13 and NRM14 of the South East Plan 2009, Policies BNE4 and CF11 of the Medway Local Plan 2003 and the provisions of the Temple Waterfront Development Brief.

Waste

One of the significant issues facing the region is the growing amount of waste and how to manage it. A new approach and a change towards how waste is dealt with will be required. Priority should be given to reduction, re-use, recycling and recovery of value before disposal is considered. Policy W1 of the South East Plan 2009 encourages the reduction of waste as the first step towards change. Policy W2 of the South East Plan 2009 promotes the integration of adequate space to facilitate storage, re-use, recycling and composting. As this application is for outline planning permission, no details showing the exact arrangements of refuse storage are given. These details will be considered at detailed stage but to ensure the refuse storage arrangements are designed into the scheme including details for waste separation, rather than appearing as an afterthought, it is recommended that a condition be attached to any forthcoming planning permission to ensure this is taken into account. In addition to this and in accordance with the developer contributions guide, a financial contribution towards waste management for those elements that are not already provided by the development proposals has been agreed. The financial contribution towards waste management should be secured through a legal agreement.

With the inclusion of the suggested condition and the agreed contribution, the proposal would be in accordance with PPS1, Policies CC1, CC3, CC4, W1, W2 and W8 of the South East Plan 2009, Policy S2 of the Medway Local Plan 2003 and the provisions of the Temple Waterfront Development Brief.

Riverside Walk, Open Space and Public Realm

Riverside Walk

Policy L11 of the Medway Local Plan 2003 and the Development Brief both require a continuous river walk for use by pedestrians and cyclists to be provided as part of the proposed development. The proposed development will create a continuous footpath close to the river's edge. The riverside walk will extend the present walkway from Medway Valley Leisure Park towards the town centre. The path will typically be between 2-3 metres in width, dependant on location. At the northern end of the site, beyond the riverside park, the path will perform a dual function, also serving as the pedestrian footpath alongside the boulevard. The indicative masterplan illustrates one way in which the river walk could work in conjunction with the other paths and access routes throughout the site. The provision of a river walk within the site is in accordance with Policies CC8 and C7 of the South East Plan 2009, Policy L11 of the Medway Local Plan 2003 and the Development Brief. It is considered that the provision and specification of the river walk should be secured by a condition attached to any forthcoming planning permission.

Open Space

Policy L4 of the Medway Local Plan 2003 relates to the provision of open space in new residential development. It states that, where there is proven deficiency, residential development proposals shall make open space provision within an agreed timescale. For residential development likely to be occupied by 100 people or more, the proposals should include well located open space for formal recreation on-site at a standard of 1.7 hectares per 1000 population and open space for children's play and casual recreation on-site at a standard equivalent to 0.7 hectares per 1000 population. Provision of some or all of the formal open space off-site or the improvement or extension of an existing off-site facility will be permitted where the Council is satisfied that this would be a better alternative.

As it exists, the Temple Marsh open space fails to fulfil it potential as an informal open space resource. This is due to its isolation, lack of natural surveillance and lack of overall management plan. The Temple Marsh open space is currently designated as protected open space in the adopted Local Plan and is covered by Policy L3. Policy L3 establishes a presumption against the loss of open space unless the facility can best be implemented, or retained and enhanced through redevelopment of a small part of the site.

The Development Brief for the site was developed taking full account of the provisions of the open space policies set out in the Medway Local Plan. The Development Brief explains that achieving a balance of social, economic and environmental objectives can be best achieved by an approach which makes use of part of the existing designated open space to deliver a more sustainable form of development. This approach delivers a sufficient development to support the viability of community and other facilities such as local shops and public transport, whilst safeguarding the areas of highest ecological value and allowing reinvestment in remaining areas of open space. The Development Brief was adopted as a Supplementary Planning Document by Medway Council, with the acceptance that, in principle, it might be necessary for part of the existing Temple Marsh open space to be

developed to allow the overall scale of development envisaged at Temple Waterfront to be delivered, and to ensure the long-term future of Temple Marsh as a safe and valued recreational environment. However, the Development Brief states that the appropriateness of proposals will be judged against all relevant policies in the Local Plan and policies in the emerging LDF and a clear case made for any loss of open space.

The development proposals would result in approx 18% of the existing open space being developed for other uses. This equates to 2.73ha or 6.74 acres. Despite the reduction in area of the existing Temple Marsh open space, the development proposals are made in accordance with the provisions of the Development Brief and would result in a significant enhancement to the open space and ecological value of the SNCI as amenity assets for all residents of the Medway area.

In terms of its development principles, The Development Brief states in relation to open space, 'the recreational, ecological and functional values of open and natural space and the River Medway should be maintained and enhanced whilst acting as a setting for the new and existing communities'.

The development proposes a range of public open space and public realm features as well as private open space. The public open space and public realm features comprises several components:

- the riverside park, incorporating the SNCI, the main section of the river walk, four 'green fingers' and two informal play areas;
- four green links, connecting a combination of the river, the riverside park, the tree-lined boulevard and the railway embankment;
- a pocket park, including a formal play area; two landscape tree belts;
- the tree-lined boulevard;
- three shared surface squares along the tree-lined boulevard and one within the residential area on the former landfill site; and
- soft and hard landscaping within the areas of built development.

Riverside Park

Approx. 56% of the riverside park is to be relatively informal in character to protect the existing ecological value of the SNCI (which is retained in its entirety) and to provide a different experience to other riverside parks and gardens typically found in Strood and Rochester. The park will predominately contain grassland with large area of existing scrub. The grassland would be managed for its conservation and biodiversity value. The scrub is currently largely impenetrable. It is proposed to selectively open up areas to create paths through with glades alongside to provide surveillance.

A variety of paths will run through the park including a riverside path. New seating and picnic tables will be provided along the riverside route to allow views to be enjoyed. New grassland will be created where existing vegetation is disturbed by directly adjoining construction activity and where changes in level within the site are required. Less intensively used areas of grassland within the park are also to be used as ecological mitigation of invertebrate habitat lost elsewhere on site as a result of new built development.

'Green fingers' connect the riverside park with other smaller areas of greenery and open space such as the boulevard and the pocket park.

The riverside park also provides the setting for a LEAP (Local Equipped Area for Play) for young children and a NEAP (Neighbourhood Equipped Area for Play) for older children along with the potential for a trim trail/outdoor gym in the 'green finger' that extends to the 'park gateway' on the boulevard.

The SNCI comprises 38% of the riverside park and it is envisaged that there would be minimal new activity introduced to it. A low key route through will be created but will be designed to deter all but the prepared walker. This is to ensure that the right balance is made between allow access and enjoyment of the SNCI by the public but to ensure that the ecological value of the SNCI is maintained.

Appropriate management of the SNCI is critical to mitigate the impact of the increased use by people as well as the potential predation impact on the nightingale population that may arise as a result of the introduction of domestic cats into the area.

Green Links

Four green links are proposed connecting the river and/or riverside park directly or indirectly, via the tree-lined boulevard, with the railway embankment, thereby providing corridors for the movement of wildlife within and out of the development whilst at the same time performing the secondary function of creating a pleasant setting for adjoining development.

The most northerly of these green links is envisaged to comprise a line of trees planted in the grass safeguarding the future footpath connection from the boulevard under the railway to the adjoining industrial area and to Temple Manor, whilst also acting as a landscaped site edge to the area occupied by the rationalised Morgan Timber operation.

Pocket Park

Located in the heart of the residential area of townhouses and flats, it is anticipated the pocket park will be intensively used and is intended to be more formal than the riverside park and is substantially smaller. A LEAP is also proposed for the pocket park.

Assessment of Need for Play Space

The applicants have provided further information with regard the provision of play space. The need for play provision has been assessed under two scenerios. Firstly, against the Fields in Trust (formerly National Playing Fields Association – NPFA) standards, consistent with the Medway Local Plan 2003 and secondly, the slightly different figures identified in the 'Guide to Developer Contributions' SPD.

Requirement for play space using the Fields in Trust standard = 1.215 ha (approx.)

Requirement for play space using the Developer Contributions Guide = 1.06 ha (approx.)

The open space provision proposed on site as part of the development = 1.57ha (approx.)

The proposal offers approx. 0.36ha above the requirement under the Fields in Trust requirement, the greater of the two standards in terms of requirements it is considered that the proposal would be in accordance with Policy L4 of the Medway Local Plan 2003.

Public Realm

Landscape Tree Belts

Two tree belts are proposed to provide screening against blank frontages such as between the Morgan Timber site the smaller commercial units on the opposite side of the boulevard and adjacent to the retaining wall on the northern side of Roman Way.

Tree-lined Boulevard

The tree-lined boulevard is intended to be a unifying element through the development with a continuous tree species planted at a suitable size (advanced nursery stock or greater) for instant impact.

Shared Surface Squares

Three shared surface squares are proposed along the tree-lined boulevard. The 'main square' forming part of the local centre is designed to have an open character. The other two squares on the boulevard are also set within a mixed use area, are very close to one another and serve as a combined feature at a key gateway to the riverside park. The last shared surface square is proposed within the residential area opposite the pocket park and is intended to be more intimate in character.

Summary of Riverside Walk, Open Space and Public Realm Section

It is considered that although approx. 18% of the existing open space being developed for other uses, the proposals for the site represents an acceptable spatial framework that would successfully integrate the four aspects of movement, land-use, built form, and open space. The use of 'green fingers' would result in an attractive environment of greenery throughout the site contributing to the appearance of the public realm and having a positive affect on the quality of life for residents and visitors alike.

The Medway Wildlife, Countryside and Open Space Strategy 2008-2016 states that the total area of open space per 1000 population in Medway is relatively high compared to other districts. However, there are some wards within Medway that are identified as lacking in the level of provision of open space (less than 2.4ha of open space per 1000 population when measured against the National Playing Fields Association NPFA Standard). Strood South, in which Temple Waterfront is located, is not identified as lacking in terms of its level of open space provision (based on the current area) and is an area in which it is recognised that new development will occur (the potential for redevelopment at Temple Marsh is specifically recognised). As such it is considered that the Medway Wildlife, Countryside and Open Space Strategy 2008-2016 takes account of the Temple Waterfront Development Brief and acknowledges the impact on open space that the regeneration proposals are likely to have (including any reduction).

Despite the reduction in area of the existing Temple Marsh open space, the development proposals are made in accordance with the provisions of the Development Brief and would result in a significant enhancement to the open space and ecological value of the SNCI as amenity assets for all residents of the Medway area.

It is considered that with the imposition of appropriate conditions to secure the long term future of the open space through management and education, and elements of the public realm and open space that contribute the quality of the appearance, the proposal would be in accordance with PPS1, Policies CC8, C7 and KTG7 of the South East Plan 2009, Policies L4 and L11 of the Medway Local Plan 2003 and the Temple Waterfront Development Brief. The proposal is not in accordance with Policy L3 of the Local Plan, but it is considered that there are material considerations supporting a departure from Policy L3 in this case as set out above.

Formal Sports Pitches

The Development Brief indicates that the open space at Temple Marsh had previously formed playing field land that was laid out to include playing pitches. Sport England has responded in its capacity as a statutory consultee, in relation to planning applications affecting playing field land, stating that the information originally submitted is lacking in terms of providing information on the previous use of the site as formal sports provision in the form of pitches. In the absence of further evidence to demonstrate whether there were any or when the last use of formal pitches on the site was, Sport England object to the application on the basis of the Playing Fields Policy:

> *"Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the five specific circumstances apply"*

In short the 5 specific circumstances mentioned are:

- An assessment of current and future needs demonstrates there is an excess of playing field provision.
- The proposed development is ancillary to the principal use of the site as playing fields.
- The proposed development affects only land incapable of forming, or forming part of a playing pitch.
- The playing field lost would be replaced by a playing field(s) equivalent or better quality and of equivalent or greater quantity.
- The proposed development is for an indoor or outdoor sports facility that would be of sufficient benefit to outweigh the loss of playing fields.

In addition, where Sport England, as a statutory consultee, has raised and maintains an objection and the LPA are minded to grant approval, the case must be referred to the Secretary of State.

The applicant has submitted further information to address the issue relating to whether the site was ever laid out as a playing field/pitches. The submitted information included:

- An extract from the Medway Towns Local Plan 1992 which refers to the intention to establish recreational facilities at Temple Marsh, implying that no such facilities existed at the time.
- A Press Release dated 27 June 2003 which lists Temple Marsh under 'Parks and Open Space' rather than under 'Recreational Grounds'. This indicates that at that time, there were no formal pitches at Temple Marsh which would otherwise lead to its classification as a recreational ground.

- A Playing Pitch Strategy dated July 2003 prepared by Integra leisure on behalf of the Council.
- Appendix 2 to the 2003 Playing Pitch Survey which lists Temple Marsh as an informal park rather than as a location for formal pitches. It should be expected that any pitches laid at this time would have been noted.
- The Medway Wildlife, Countryside and Open Space Strategy 2008-2016 which continues to rely on the pitch survey undertaken in 2003.

In addition to the evidence submitted by the applicant, the Greenspace Services department has produced a memo confirming that they have no records of formal sport taking place on the site in the period 2003-2009. The Sports Development team have also e-mailed to state that they are unaware of any pitches at Temple Marsh, that they are unaware of any club that are, or have been based at the site and that they have never undertaken any sports development activities at the site in the past 8 years (at least).

On the basis of this evidence, it was considered that the requirements of the Town and Country (playing fields) (England) Direction 1998 do not apply and it was anticipated that Sport England would be able to remove their objection in relation to this matter.

As Sport England has not been able to give a final response with regard to this issue, it is considered that the application should also be referred to the Secretary of State under the requirements of the Direction. However, the LPA are satisfied that the applicant has submitted enough evidence to demonstrate that the land has not be laid out as formal sports pitches or playing fields in the last five years, at least.

Separate to the statutory consultee status, Sport England has also objected to the application on the basis that the provision of or contribution towards outdoor formal sports provision will be limited. Discussions with the Greenspace Services department in relation to formal sports provision has resulted in the recognition and agreement that the Temple Waterfront site is not suitable to be laid out for formal sports pitches. In addition, acknowledgement is given to the significant benefits and enhancement to the open space and SNCI that would arise as a result of the proposal as well as significant contributions towards improvements of the public realm in Knight Road and specifically in relation to the setting of Temple Manor.

Taking this into account, it is agreed, that the site is not suitable for the provision of formal sports pitches and that a contribution towards off-site sports provision is not necessary in this particular case.

Residential Amenities

Having regard to the scale of the proposed development, the implications for the amenities of adjoining residential properties as well as prospective occupiers of the development require careful consideration. Policy BNE2 of the Medway Local Plan 2003 relate to the protection of amenities for existing and prospective residents. The assessment of this issue is based on all the supporting documentation including the parameter plans.

The proposed development should not adversely affect the levels of privacy, daylight and sunlight currently enjoyed by nearby and adjacent properties. The quantum of development is central to this assessment and particular regard to this element in determining whether of not the proposal will adversely affect residential amenities to an unacceptable degree.

Existing residential properties are in the main to the southeast of the site on the opposite side of the river along the Esplanade in Rochester and to the northwest, in Cuxton Road with the two railway lines and the industrial units along Norman Close located in between this existing residential accommodation and the application site.

In relation to possible impacts on the amount of sunlight to existing residential properties within the vicinity of the application site it is important to safeguard access to sunlight both for existing dwellings and for nearby non-domestic buildings where there is a particular requirement for sunlight. The Building Research Establishment's (BRE) Report 1991 'Site layout planning for daylight and sunlight – A guide to good practice' gives advice on site layout planning to achieve and maintain good sunlighting and daylighting to proposed and existing buildings.

Given that the nearest existing residential properties in Cuxton Road are located a significant distance away from the northwestern boundary of the site, that these properties are located at a higher level than the application site and that there are two railway lines and industrial units situated in Norman Close and Knight Road providing separation between the existing residential dwellings and the application site, obstruction of daylight and sunlight to the existing residential buildings arising as a result of the proposed development will not occur.

In relation to the existing residential units located along The Esplanade in Rochester, it is also considered that there would be no detrimental impact on the amenities of these residents in terms daylight and sunlight. This is due to the significant distance of separation between the application site and these properties that is fixed by the siting of the River Medway. The development is considered to satisfy the relevant BRE guidance.

With regard to the impact on the non-domestic buildings that are located to the northwest of the application site boundary, by the nature of their uses, it is considered that these industrial units do not have a particular requirement for sunlight. This is in conjunction with the location of the industrial units on a higher level and separated from the application site by a road, would mean that there would be no significant obstruction to daylight or sunlight to these buildings.

Policy BNE2 of the Medway Local Plan 2003 seeks to secure the amenities of its future occupants. Generally, proposed development should ensure that all new units provide an acceptable standard of accommodation particularly in terms of their size, that they have satisfactory levels of privacy, daylight and sunlight avoiding if possible single aspect north facing units and there is an acceptable level of amenity and open space.

The outline nature of the application means that the detailed layout of the units will be considered at the reserved matters stage, the residential units will however, be designed and built to meet a minimum of Code for Sustainable Homes (CSH) level 3. The Code is intended as a single national standard to guide industry in the design and construction of sustainable homes. Based on the parameter plans and the submitted illustrative masterplan, it is also considered that a layout can be provided to ensure there is sufficient space between residential blocks to ensure units receive adequate levels of daylight and sunlight and that they have satisfactory aspects. Similarly, it is considered that the development is capable of providing sufficient open space within the development to meet the needs of future users. The types of open space are shown on the open space parameter plan with over 15.6ha of the site area being dedicated to different forms of public open space.

Noise

A combination of long term and short term noise surveys were undertaken to determine the background noise environment at the development site. The application site is subject to a number of noise sources. The background noise comprises of road traffic noise from the M2 and the local roads, railway noise and industrial noise. In addition to the railway line, there are a number of industrial units to the northwest located with access from Norman Close.

The redevelopment of a former distribution centre site adjacent to the application site is also proposed with an application currently being considered by the Local Planning Authority (MC2009/0426). The application was submitted at a similar time to the Temple Waterfront application, following the withdrawal of a previous application by Gazeley. The application is for the construction of a building for use for B2 and/or B8 purposes with ancillary offices, parking areas and landscaping together with creation of new vehicle access, and construction of building for relocation of existing BOC wholesale and distribution facility Use Class B8 (Resubmission of MC2008/1787). This application has been submitted by Gazeley UK Ltd.

The acoustic appraisal for Temple Waterfront demonstrates that the majority of the site is within noise exposure category (NEC) B during the day and night. The Medway Local Plan 2003 includes a policy on noise, Policy BNE3. The Policy states that where noise levels fall within category B the applicant should demonstrate that adequate mitigation measures are included in the proposal to reduce noise to a satisfactory level or, where appropriate, conditions will be imposed to ensure such mitigation measures.

The ES accompanying the planning application includes an assessment of the noise constraints likely to affect the proposed development. It takes full account of PPG24 (Planning and Noise).

The noise impacts of construction traffic for both phases of the development are not considered to be significant. The nearest receptors in terms of the occupiers of residential properties are on Cuxton Road, approximately 280 metres away and approx. 300 metres across the river on the Esplanade at Rochester. The offices of the existing industrial units are also considered to be sensitive receptors. The assessment recommends that the best practice provided in BS 5228 should be used to control construction noise and vibration and recommends that hours of operation, noise limits and mitigation methods are addressed in a Construction Environmental Management Plan. It is recommended that should planning permission be forthcoming, these elements are included in a Construction Environmental Management Plan that is to be submitted for approval by the Local Planning Authority to ensure that there is no detrimental impact upon receptors as a result of the construction phase of development.

Policy BNE2 of the Medway Local Plan 2003 seeks to protect the amenities enjoyed by the existing occupiers of properties that are adjacent to new developments and states that the design of development should have regard to noise. The majority of the proposed development will be residential and in itself should not generate levels of noise that might be prejudicial to the amenities of the occupiers of neighbouring properties. The assessment has considered noise from the increased traffic on the local road network and fixed plant used with commercial buildings. The assessment shows that there will be minor increases in noise associated with the traffic arising from the development but these are not considered to be significant.

The proposed development includes various commercial/industrial elements which have the potential to generate noise and disturbance to the proposed residential properties. The assessment recommends that fixed plant associated with the development should be selected and designed to achieve a criteria that will not impact on sensitive receptors.

To safeguard the amenities of existing and future residential occupiers and to minimise the impact of any noise from the proposed entertainment uses, it is considered that an acoustic assessment identifying noise generation levels and mitigation measures should be submitted at the reserved matters stage for each entertainment outlet that is likely to give rise to noise i.e pubs, community uses etc. It is therefore recommended that conditions be attached to any forthcoming planning permission to secure the submission of acoustic assessments as well as restricting hours of operation and servicing.

Gazeley Site

In relation to the impact of the existing and proposed industrial operations within the vicinity, the relationship of the proposed development at Temple Waterfront and the proposed B2 and/or B8 uses at the Gazeley site needs to be considered.

The proposed development of the Gazeley site represents a reconfiguration of the previous layout of the Tesco distribution depot and places 42 lorry parking spaces and 26 dock levellers (devices used to bridge the gap between the dock and the trailer during loading and unloading) to the front of the development site, which is in direct line of sight to the Temple Waterfront development site. The illustrative masterplan submitted in the Design and Access Statement for the Temple Waterfront site shows that a number of residential units would have rear elevations to the Gazeley site. The planning application for the Gazeley site seeks permission for 24-hour operation. It is therefore essential that the two sites are considered together in terms of noise issues. As such a number of meetings, involving development control and environmental protection officers, and liaison between the two applicants have taken place to ensure the two sites can be developed without prejudice to the aural amenity of the future residential properties on the Temple Waterfront site, particularly at night.

Where new noisy industrial or similar development is proposed, it is necessary to ensure that it does not cause an unacceptable degree of disturbance to the amenity of existing uses in the locality. In accordance with Policy BNE3 of the Medway Local Plan 2003, proposals for such development near existing residential, or other sensitive receptors, will need to be assessed in accordance with the guidance given in BS 4142:1997 ‘Rating industrial noise affecting mixed residential and industrial areas’. The standard provides a method for assessing the likelihood of complaints arising from noisy industrial activities.

It is normal practice for Medway to seek to ensure that the noise rating level from new installations is not more than 3 dB greater than the background noise level at the nearest sensitive property in order to secure a good standard and safeguard amenity. The rating level is derived in accordance with British Standard 4142.

Fixed Plant and B2 use - The assessment for the Gazeley site has adequately demonstrated that noise from fixed plant within the development site will comply with the above criteria and that the external building of a B2 warehouse can be designed to adequately control noise breakout. If the Gazeley site application is approved by the Local Planning Authority would be the intention to impose conditions to such planning permission requiring an acoustic

assessment of noise arising from any fixed plant and any mitigation measures to be submitted to the Local Planning Authority for approval as well as a scheme to minimise the transmission of noise from within the buildings.

Operational Noise – The applicants for the Gazeley site have developed their acoustic model further and submitted revised predictions for receptors on the proposed Temple Waterfront development. Daytime garden noise levels in all proposed residential areas are less than the required outdoor amenity criterion of 55 dB LAeq. Noise levels at the facades of the residential buildings are predicted to be less than 60 dB LAeq which equates to a good internal noise level when standard thermal double glazing is used. However, the internal criterion will not be achieved when windows are open. As such it will be necessary manage operational noise emanating from any future development of the Gazeley site and to attach a condition to any permission for Temple Waterfront site requiring those properties that have habitable room windows facing the Gazeley site to be provided with acoustically screened ventilation.

Vehicle-reversing Alarms - Noise from vehicle-reversing alarms has been included in the assessment submitted for the Gazeley site and predictions for the upper levels of the future receptors are as high as 51 dB L_{Amax}.

The capacity of a noise to induce annoyance depends upon many of its physical characteristics, including its level and spectral characteristics. Minerals Policy Statement 2 "Controlling and Mitigating the Environmental Effects of Minerals Extraction in England" published in 2005, advises that: -

"Vehicle-reversing alarms, because of their tone, are one of the principal causes of complaints about noise from mineral operations. The need for safety is clearly paramount but consideration should be given to the use of adjustable or directional audible alarms or other alternate warning systems - e.g. white noise alarms give a full spectrum of noise rather than a single tone, which is claimed to be as good as single tone alarms at close range and at a distance it blends into the background noise".

The revised predictions demonstrate that the external criterion of 45 dB LAmax will be exceeded at the façades of the closest properties on the Temple site when considering the indicative masterplan submitted as part of the Design and Access statement for the Temple Waterfront application.

A letter from Gazeley and the noise control statement refers to additional mitigation measures relating to the use of reversing alarms. These are: -

- the use of white noise alarms
- switching off reversing alarms between the hours of 23:00 and 07:00.

With the use of these two mitigation measures the noise from the Gazeley site would be greatly reduced and could provide protection to the future occupiers of the Temple Waterfront development. Again, it would be the Local Planning Authority's intention that conditions be attached to any future planning permission for the Gazeley site to ensure these or other necessary mitigation measures are implemented and the amenities of the future occupiers of the Temple Waterfront development are protected.

Finally, noise from tannoy systems can also be a cause of noise complaints. As such it would be the intention of the Local Planning Authority that a condition be attached to any future planning permission for the Gazeley site to prevent the use of tannoy systems outside of any building within the Gazeley site.

With the use of planning conditions for both the Temple Watefront site and the Gazeley site, it is considered that the proposal would be in accordance with PPG24, Policy NRM10 of the South East Plan 2009, Policies BNE2 and BNE3 of the Medway Local Plan 2003 and the provisions of the Temple Waterfront Development Brief.

Air Quality

Advice on air quality issues in relation to development control is given in PPS23. The impact of the development in terms of the air quality arising from operational aspects of new development and traffic generation have to be considered. In relation to the operational characteristics a mix of uses are proposed, the majority of which will not be significant sources of air pollution.

Food and drink outlets are proposed within the development and cooking odours are required to be dispersed to avoid the creation of odour nuisances. To safeguard residential amenity it will therefore be necessary to ensure that suitable arrangements are incorporated into all premises with commercial kitchens. It is recommended that a condition be attached to any forthcoming planning permission to secure adequate arrangements are made.

The ES provides a chapter on the subject of air quality and gives the main potential impacts as:

- fugitive dust emissions, potentially resulting in soiling of surfaces and increased concentrations of airbourne particulate matter during construction and from the Diggerland site, and
- an increase in concentrations of nitrogen dioxide and airbourne particulate matter as a result of the traffic from the proposed development.

Cuxton Road (between Hawthorn Road and London Road) is designated as a local Air Quality Management Area (AQMA). This AQMA is located within 0.5km of the application site and may be affected by traffic generated by the proposed development.

In relation to construction activities, dust annoyance may occur within 100m of dust generating activities. The effect on local airbourne particulate matter concentrations is likely to be closer to the site.

The construction effects can be minimised through the use of mitigation measures recommended in the ES. The mitigation measures will be included within a Construction Environmental Management Plan that will be required by a way of a condition attached to any forthcoming planning permission.

Upon completion of the construction and during the operation phase, there would be no significant air quality effect and no mitigation would be required. Long-term it is likely that there would be a beneficial effect on dust emission from the application site due to the cessation of the waste and recycling operations on Knight Road. It is predicted that less than 2% increase in annual mean concentrations of Nitrogen Dioxide and airbourne particulate matter as a result of the proposed development. Therefore the effect of the operation of the proposed development is considered ‘not significant’.

With the appropriate use of conditions for mitigation during construction, the proposal would be in accordance with PPS23, Policy NRM9 of the South East Plan 2009, Policy BNE24 of the Medway Local Plan 2003 and the provisions of the Temple Waterfront Development Brief.

Contamination

The proposed development site has past and current uses which could have given rise to contamination, including brickworks/pits, cement works, saw mills and a landfill site. The proposed layout of the site in terms of its uses as shown on the submitted parameter plans and on the indicative masterplan included in the Design and Access statement shows that residential development will encroach onto part of Temple Marsh landfill site.

The following report has been submitted by the applicant in support of their planning application:

Medway Valley Park Phase III Temple Waterfront: Combined Ground Assessment Report undertaken by PBA dated December 2007 (report reference: 13460/043)

The report summaries a number or previous geotechnical and geoenvironmental assessment reports that have been produced for the site. The report firstly summaries a desk top study, which has been previously undertaken for the site. It then goes onto summarise the site investigation works which have been undertaken at the site and their findings.

Soil Contamination

A number of intrusive investigations have been undertaken at the site which involved a total of 90 soil samples being taken from 43 locations across the site and being tested for an appropriate suite of contaminants have been detected at the site. These have mainly been detected in the northeastern area of the site and have been associated with buried refuse material in the landfill site. However, buried refuse-like materials have also been identified beneath parts of Morgan's land. It is therefore recommended that should planning permission be forthcoming, a condition be attached to require further site investigation works in this area of the site.

Elevated levels of PAH's and EPH (extractable petroleum hydrocarbons) have also been detected at the site, mainly in the area of Temple Marsh landfill site and on Morgan's Land. Again, it is recommended that should planning permission be forthcoming, a condition be attached to require further site investigation works in all areas of the site where previous intrusive investigation works have been unable to be undertaken due to the previous land uses.

Ground Gas
Gas monitoring has been undertaken at the site between 2004 and 2007, however the monitoring which has been undertaken has not been continuous between these dates. The site has been split into zones according to the gas conditions which have been encountered at the site. The site is measured according to its 'Characteristic Situation with 1 being the lowest and 6 being the highest in terms of gas flux (the amount that flows through a unit area *per unit time)*.

Zone 1: Former Temple Marsh Landfill

The report recommends that 'further scrutiny of the data and potential quantitative risk assessments may be required in order to correctly characterise the site as Characteristic Situation (CS) 3* or CS4*'.

Zone 2 - Morgan's Timber Yard

The report states that 'this area represents a very low risk and is therefore classified as CS1*'.

Zone 3 - Morgan's Tenanted Land

The report states that 'this area is classified as CS2*'.

Zone 4 - Lafarge Land

The report states that ' this area is classified as CS2*, but due to limitations of the data it is considered that there may be potential to reduce gas CS2* classification to gas CS1*, with either further monitoring of existing monitoring wells and/or installation of new monitoring wells'.

The main area of concern with this development is the proposed residential development on the north eastern corner of the landfill site and that of ground gas. The levels of gas detected in this area of the site range between 0 - 17% v/v for carbon dioxide and 0 - 81% v./v for methane and the site falls into the following gas situations CS3 or CS4.

The applicant has submitted additional information in support of their planning application in respect to concerns raised regarding the suitability of development on the landfill site due to the levels of ground gas present in this area. The additional information provides further justification on why the proposed development is acceptable on the north east corner of the landfill site. The submitted information is considered acceptable subject to the imposition of a condition to require further investigation and full details of mitigation measures to be undertaken.

Groundwater Contamination

Groundwater monitoring which has been undertaken at the site has shown that the perched groundwater at the site in the area of Temple Marsh landfill site is poor with elevated levels of ammonia, chemical oxygen demand, EPH, PAH and some metals. It is considered that the phase 1 report and preliminary assessment of the site risks, to the surrounding environment is accepted as being in keeping with the relevant guidance. Further investigation is indicated and subsequent qualifying of risks to controlled waters will come from these investigations and, as detailed designs are moved forward. The site is a substantive brownfield site and it is considered that existing risks to controlled waters can, and will be mitigated by the development proposals.

It is considered that subject to the use of appropriate conditions, the proposed development can be implemented on site without unacceptable risk to human health and in accordance with PPS23, Policy BNE23 of the Medway Local Plan 2003 and the provisions of the Temple Waterfront Development Brief.

Water Management

Flood Risk

The Government's Policy PPS25 "Development and Flood Risk" aims to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. The policy attempts to match the flood risk vulnerability of developments to the appropriate Flood Zones and also provides further definition of a functional floodplain and the accommodation of the potential effects of climate change on development. PPS25 further reinforces the Government's commitment to Sustainable Drainage Systems (SUDS).

A flood risk assessment (FRA) has been undertaken in accordance with PPS25 and a chapter on water management has been included in the ES.

The application site is located on the western bank of the River Medway, in Strood and it is bounded to the southwest by Roman Way, which provided access not only to the site itself but also to relatively recent development at Medway Valley Leisure Park. Although broadly flat, there are some areas of significant topographical variation within the site, including existing spoil heaps. The Temple Marsh area, together with the majority of the timber yard, are broadly level. There is a drop in level from the application site to the saltmarsh which forms an inter-tidal habitat to the River. The southern and western parts of the site are visually dominated by the embankments on which Roman Way and the railway sit.

The western and southwestern parts of the proposed development lie within the defended Flood Zones 2 and 3 of the River Medway. The remainder of the site falls within Flood Zone 1.

The work in relation to flood risk issues has been based on the functional flood plain level being 4.55m above Ordnance Datum Newlyn (aODN) and the predicted tide level for the area to the year 2010 being 5.8m aODN as set out in the Medway Strategic Flood Risk Assessment (SFRA). Additional modelling carried out subsequent to the SFRA suggested a 1 in 200 year return level of 6.17m aODN. It is advised by the EA that this level should be used to inform floor levels.

The Environment Agency has raised concerns in relation to the potential impact that the land raising may have on adjacent sites. The applicant has submitted further details in the form of sections through the site and drawings showing the area of land raising and the earthworks for the essential infrastructure/access route to address the Environment Agency's concerns.

The SFRA concluded that raising land to a level of 5.8m aODN would be acceptable at this site. The applicants have demonstrated that the land raising in Flood Zones 2 and 3 is primarily associated with the existing ramp into the site at the southern end and the highway infrastructure that forms the northern exit route to Walnut Tree Bridge. The majority of development proposed and land raising would be within Flood Zone 1 and would range between 6.2 and 8.9m

Despite the submitted information, the EA remain concerned about the land raising. Comments received from the EA in response to the further information states that the EA do not object in principle to development at the site. However, the EA feel that as the land raising would be above 5.8m aODN, there is uncertainty regarding the potential local

impacts. The EA have therefore requested that despite them 'not anticipating that there will be any major negative impacts', further investigations are undertaken to provide certainty.

Surface Water Drainage, Water Disposal and Water Quality

Southern Water has indicated that there are no existing public surface water sewers on the proposed development site. The nearest public surface water sewer is to the north of the proposed development. A 300mm diameter sewer outfalls in to the River Medway alongside the Strood Yacht Club. The sewer serves Knight Road and is routed under the railway over bridge that serves the Morgan timber operation. This sewer and outfall are in poor condition including the tide flap valve which allows water back up along the system during periods of high tides and prolonged rainfall. This is the main cause of minor accumulation of surface water to the area of highway below Walnut tree Bridge. The outfall will be replaced to remove the flooding and to drain part of the Morgan Timber site as land raising will mean current drainage onto the road will not be possible.

A number Potential Sources of Contamination (PSC) associated with current and historical activities (e.g. industrial and landfill) were identified during the desk study. Organic and inorganic contaminants were encountered in the made ground on site. In places, the concentrations recorded were in excess of relevant criteria for assessment of harm to human health and environmental receptors.

The perched groundwater quality recorded within the Temple Marsh landfill was found to be poor with concentrations of ammonia, chemical oxygen demand, EPH, PAH and some metals being recorded at concentrations above relevant assessment level in many instances.

Contamination present on site within the soil and groundwater has the potential to affect off-site surface water features via mitigation or groundwater recharge. Surface water runoff from the site is therefore expected to be of poor quality.

During construction, mitigation measures will need to be implemented in order to minimise the potential impact on controlled waters. A Construction Environmental Management Plan will be required to be submitted through the use of a condition attached to any forthcoming planning permission. The Construction Environmental Management Plan will outline measures to reduce the risk of pollutants reaching surface water.

During the operation phase, a surface water drainage strategy has been developed, based on the principle that surface water will drain via a piped, gravity network directly into the River Medway via five outfalls (3 new outfalls, 1 existing and the replacement of 1 existing outfall). The drainage concept relies upon proposed ground levels dividing the proposed development area into five distinct catchment areas. The sewers will be suitably sized to provide storage on line in the event of the outfalls being tide locked. This will obviate the need for on site attenuation which is also not required for controlling rates of normal discharges.

Discharge will be controlled by the use of a suitable tide lock system. It is likely that discharge velocity will have to be controlled by means of Hydro Brakes or similar to avoid mud flat erosion.

The replacement of the existing drainage infrastructure and the realignment of the highway levels at Walnut Tree Bridge will alleviate the minor flooding that currently occurs in this location.

The area designated as public space is considered to drain passively and will naturally drain toward the River Medway.

Where possible, a sustainable surface water drainage system for the surface runoff from the proposed development will be used subject to levels and substrate conditions. It should be noted however, that the initial findings of the Geoenvironmental Desk Study indiciate historic uses of the site and condition of the substrata are not suited to the use of sustainable surface water drainage systems.

Pollution prevention, whether from accidental spills or diffuse sources, will be assisted by the incorporation of trapped gullies within the highway surface water systems, and silt traps and light-liquid separators (petrol interceptors) at strategic higher risk locations.

Where considered appropriate, surface runoff will be minimised by the use of rainwater harvesting systems and other grey water technologies. In addition, by minimising directly connected areas, e.g. driveways and footpaths drained onto surrounding lawns, the system will help return runoff to the natural drainage system as soon as possible.

The principle of the surface water drainage into the River Medway is considered acceptable on the basis that neither the Environment Agency or Southern Water have raised an objection.

From information obtained from Southern Water, there are no existing public foul sewers on the application site. The nearest public foul sewers are to the east of the development on the opposite side of the Medway Valley Line. It is not proposed that this infrastructure will serve the site. At the southern end of the proposed site is a foul sewerage vacuum station. This serves the existing phase II leisure development.

The proposed foul drainage system would comprise a piped gravity network. The proposed development area would be divided into two catchment areas. The foul water in area 1 would flow through the gravity sewer network direct to a pumping station (PSFW1). The invert level at this pumping station is expected to be approx. 5m below the proposed development levels. The pumping station will require storage provision to cater for the area of development it serves in the event of total failure of the pumps on either or both of the pumping stations.

The foul water in area 2 would flow by gravity to another pumping station (PSFW2). Foul water will then be pumped to pumping station PSWFW1. This would replace the existing systems servicing the Morgan's Timber site.

Again, there is no objection to the proposed method of dealing with foul sewerage.

Conclusion on Water Management

With the use of appropriate conditions to ensure the appropriate mitigation and systems are in place, it is considered that the development can deal with surface water drainage and foul water disposal in a safe and sustainable manner and that there would not be any detrimental impact on water quality or unacceptable flood risk. The proposal would be in accordance with PPS25, Policies CC1, CC2, CC4, NRM1, NRM2, NRM4 and KTG6 of the South East Plan 2009, Policies CF12 and CF13 of the Medway Local Plan 2003 and the provisions of the Temple Waterfront Development Brief.

Archaeology

PPG16 “Archaeology and Planning” sets out the Government’s policy on archaeological remains on land and how they should be preserved or recorded. It advises that:

Archaeological remains should be seen as a finite, and non-renewable resource, in many cases highly fragile and vulnerable to damage and destruction, care must be taken to ensure that archaeological remains are not needlessly or thoughtlessly destroyed.”

In situations where planning authorities decide that:

“physical preservation in situ of archaeological remains are not justified in the circumstances of the case and that the development resulting in the destruction of the archaeological remains should proceed then records can be secured by agreements reached between the developer, an archaeologist and the planning authority or by conditions on planning permission.”

The Development Brief gives a brief history of the land use of the site. During the medieval period Temple Marsh was used as arable farmland and grazing pasture. From 1856 onwards, the site (or part of) has been in almost continual use for extraction and/or industrial purposes. Reclamation of a section of the Medway foreshore in 1897 resulted in an extended wharf.

During the early years of World War II the River Medway formed a strategic ‘stop line’ and there is evidence of several anti-tank obstacles recorded in the locality. A pillbox also remains on the site.

In 1970, the cement works that occupied the site were finally closed and during this period, further land within the site was reclaimed for landfill. By 1985 the cement works had been demolished and the landfill site had been closed and grassed over.

Buried Archaeology

The brief description of the historical uses of the site explains why potential for the survival of archaeology on the site is minimal. The Environmental Statement states that in places where 19th and 20th century activity has not destroyed the archaeological resource, a possibility is identified for the survival of palaeo-environmental and geoarchaeological deposits associated with prehistoric and later development of the River Medway and the potential for prehistoric, Romano-British and Anglo-Saxon remains. It is suggested that if they occur, these deposits fall within a zone of about 50m wide bordering the western site boundary and that this zone should be examined to establish the presence/absence of deposits in this location.

The report on the subsurface stratigraphy of the site provides some useful information on the deeply-buried palaeo-environmental and geoarchaeological potential of the site, however, it is difficult to relate this information to the present scheme. It is suggested that further work should be undertaken to modify and enhance the submitted report to provide a thorough and robust assessment of the substrate stratigraphy and should include a detailed deposit model which can be easily related to the development proposals.

Furthermore, whilst it is considered that the desk-based assessment has identified the key archaeological and cultural heritage issues relating to the application site, it is considered that the matrices in the ES used to assess the significance of direct effects of the development on

the archaeological resource has underplayed the importance of the potential remains and the impact that the development might have on these.

It is considered that there is good potential for the survival of archaeological remains as well as deeply buried palaeo-environmental remains on the development site. Given the archaeological potential of the site and the likely impacts of the development on the buried archaeological resource, it is recommended that a condition be attached to any forthcoming planning permission to secure the implementation of a programme of archaeological work. In addition, it is recommended that a scheme for interpretation of historical aspects related to the site should also be attached to any forthcoming planning permission.

The marshy conditions on Temple Marsh in the Roman period suggest that settlement in this location is unlikely, although on the drier land immediately off the flood plain, occupation is evidenced immediately south of the study site on the former Cement Works site where four Roman cremation vessels were discovered in 1895.

Remains associated with the Wickham Cement Works

The proposed development would partly occupy the former Wickham Cement Works. These works developed in the late nineteenth century and finally closed in the 1970s. Prior to the establishment of the cement works the site had been largely undeveloped and remained as open marshland. The arrival of the cement-works marked the start of the industrialisation of this part of the River Medway. By 1900 the Wickham Cement Works were the largest single factory on the Medway.

The report concludes that there is little evidence for upstanding remains associated with the construction, use or development of the cement works surviving at the site, although it is likely that buried remains will survive. However the assessment did identify that a significant section of Wickham Cement Works wharf, including rails for a travelling crane, survive on the waterfront here. The remains of the wharf, and in particular the dock-wall, are distinctive feature of the waterfront of this part of the River Medway and are the only significant visual reminder of the former use of the site as a cement works. It is recommended that if possible, the dock-wall fronting onto the Medway and the rails of the former travelling crane should be retained, preserved and enhanced and perhaps incorporated into and presented a part of the riverside walk. It is considered that they would provide an opportunity to contribute towards giving the development a sense of place and would act as a visual link to the site's industrial past.

A pillbox of World War II date survived within the application site. It is intended to retain the pillbox as part of the development proposal. Any reserved matters application that includes the pillbox within the site area, should include details of the proposed use to ensure its long term retention, preservation and enhancement and any works proposed to fabric of the building.

With the inclusion of the conditions suggested above, it is considered that the proposal would be in accordance with PPS16, Policy BE6 of the South East Plan 2009 and Policy BNE21 of the Medway Local Plan 2003.

Cultural Heritage

There are no scheduled ancient monuments (SAMs), Listed Buildings, Registered Battlefields, Registered Historic Parks or Gardens or any other designated archaeological sites within the application site. However, the SAM of Temple Manor lies adjacent to the northwest of the application site and the SAM of Rochester Castle lies approx. 1km northeast of the application site on the opposite side of the river. Policy BNE20 of the Medway Local Plan 2003 refers specifically to SAMs and states that development affecting SAMs will not be permitted if it would:

i. damage or destroy such sites;
ii. be detrimental to their setting.

The ES details the consideration of the impact of the proposed development upon the setting of the two SAMs during both construction and completion phase. The conclusion of the assessment of the impact is given that the impact during construction phase involving the siting of cranes, noise from construction and the presence of construction traffic may be adverse but as it would be temporary would not result in significant harm. Upon completion of the development it is concluded that there could be a minor beneficial effect as the increase in population at Temple Waterfront may increase visitors and awareness of the Temple Manor site and the riverside park could provide an increased opportunity for people to appreciate views of Rochester Castle.

The conclusions of the ES in relation to the cultural heritage are shared by the statutory body for the historic environment, English Heritage (EH). EH have provided comments to say that, Temple Manor is already significantly compromised and the railway creates a severance of the historic building from the riverside. The proposed development will not significantly harm the setting of the historic site and at the heights shown would not be particularly visible. The final height of the development will be dealt with at reserved matters stage. It will be important to ensure that the height of the development and the potential effects of the setting of the SAMs are fully considered at that stage.

With the use of appropriate conditions attached to any forthcoming planning permission, the proposal would be in accordance with PPG16, Policy BE6 of the South East Plan 2009, Policy BNE20 of the Medway Local Plan 2003 and the provisions of the Temple Waterfront Development Brief.

Local Views

The local character of the site is largely determined by its isolated location within an urban setting and its proximity to the River Medway. The site is generally flat in nature with local variations consisting of the raised poplar embankment and the spoil heaps within the former cement works. Woody vegetation mainly consists of scrub, which provides vegetation within the site and a riverside edge to the site. The main trees occur on the embankment which separates the existing industrial buildings within the site from the open space area within the centre of the site.

The local setting is defined by the river and the valley slopes as associated with the urban areas of Rochester and Strood. The river is wide and has a number of boats moored along the Rochester side. The steep valley slopes of Rochester are well built up with residential development of varying ages and extend down to the rivers edge. Relatively new 3 and 4

storey town houses are located along the Esplanade opposite the site, with older residential development beyond. To the north-east, the older core of Rochester is dominated by the castle and cathedral which are prominent features in the local setting. There are areas of open space within the built up area, including the steeply sloping recreation ground and the Esplanade gardens immediately adjacent to the river. To the south Baty's Marsh Nature Reserve provides a more vegetated area, with the marsh extending into the river and a backdrop of trees.

The Development Brief identifies the visual relationship of the site with the wider area as an interesting aspect of the design approach. The Development Brief picks up on the panoramic vista that is experienced over the application site and the wider area from the elevated southern access at Roman Way. The Development Brief advises that the built form should relate to this by framing the panorama and not blocking views.

At the northern end of the site is the Morgan Timber operation. The Development Brief recognises that a flexible approach to development is required to allow for the retention of Morgan Timber in this location. The northern part of the site offers fine views towards Rochester, particularly the SAM of Rochester Castle. The Development Brief prescribes that development in this area, whilst maximising the view to Rochester Castle, must also consider the return view of development back from Rochester towards the site.

The Development Brief states that applications must be supported by visual assessments which consider the impact of the proposals. The ES includes a chapter relating to visual assessments and identifies fourteen key viewpoints (A-N).

Local views of the site are generally from the rivers edge or from elevated points which allow views across or through the built up areas of Rochester and Strood. There are a number of low level views of the site from the north, including from Strood Esplanade and Rochester Bridge (viewpoints A and B). The riverside planting of the northeastern boundary of the site is mostly visible from these viewpoints. More elevated viewpoints from a similar orientation are provided from within the castle grounds (viewpoint C) and from the castle itself. Viewpoint D1 on the parameter plan is from the highest rampart of the castle. The rampart offers a 360 degree view.

Another elevated viewpoint is available from the sloping recreation ground within Rochester Esplanade (viewpoint F). Views of the application site directly across the river are available from the Esplanade Gardens (viewpoint E) and from traffic and housing along the Esplanade (viewpoint G). Viewpoint H also represents elevated views but from the southeast which are available from roads and residential properties.

The view from Baty's Marsh is restricted by the vegetation associated with the footpath which runs between the playing fields and Baty's Marsh, therefore views are only available within the Nature Reserve (viewpoint J). Viewpoint K is taken from the cycleway which crosses the Medway Bridge and represents an elevated view experienced by walkers, cyclists and motorway users. Viewpoints L and M represent views of the site from the south, towards the southern boundary and the spoil heaps of the former cement works. Viewpoint N is taken from an elevated location on the footbridge over the railway to the north.

The local viewpoints (A-N) have been assessed on the basis of the Parameter Plans and the residual effects after the potential mitigation solutions provided by the illustrative masterplan.

The development would be highly visible from a number of local and more distant views. The key to ensuring that there would be no detrimental impact on the views is to ensure that the layout, built form and landscaping of the development is designed to be of extremely high quality and that acceptable mitigation measures as set out in the ES are in place through the use of conditions attached to any forthcoming planning permission. It is considered that the proposal would be in accordance with the provisions of Policy BE1 of the South East Plan 2009, Policy BNE1 of the Medway Local Plan 2003 and the Temple Waterfront Development Brief.

Environmental Enhancement

A positive image will help Medway attract business and tourism to the area to the benefit of the local economy. It is therefore important that environmental enhancement schemes should be implemented in high profile areas such as along main road and rail routes. Policy BNE22 states:

"Development leading to the protection and improvement of the appearance and environment of existing and proposed areas of development, transport corridors, open spaces and areas adjacent to the River Medway will be permitted."

Temple Waterfront is located close to two railway lines and Medway Bridge. Medway Bridge carries the M2 motorway, one of the major routes through Kent. The appearance of the application site is generally one of neglect, unsightly remnants of industrial activity, unkempt areas of open space and derelict land which appears cut off from its surroundings. The proposed development involves a complete change in character with residential and commercial landscape. There will be an improvement in the architectural built form of the area and the enhancement of the existing open space and SNCI will result in a greatly improved public realm and a significantly improved visual environment.

The river walk will mean the river will be a more conspicuous feature with far greater accessibility for members of the public. The development proposes many visual and physical links between the application site and the river.

In terms of views over the site the visual environment offered by the previous uses and structures was particularly unsightly. It is considered that the proposed redevelopment would provide a greatly improved visual environment and in this respect the proposed development would be in accordance with Policy BNE22 of the Medway Local Plan 2003 and the Temple Waterfront Development Brief.

Ecology

The Medway Estuary forms an important ecological unit in this part of North Kent. The inter-tidal habitats alongside the Temple Waterfront site, including part of the Temple Marsh open space, are designated as a Site of Nature Conservation Interest. This site is designated for its nature conservation interest at County level.

The site and adjoining inter-tidal habitats include three UK Biodiversity Action Plan (UK BAP) habitats as follows:

- Open Mosaic Habitats on previously developed land (Area A on the submitted plan) largely corresponding with the non-scrubby parts of the area close to the Roman Way entrance into the site.

- Saltmarsh (Area G on the submitted plan)
- Inter-tidal mudflats (Area G on the submitted plan)

It should be noted at this point that Area G is outside of the application site boundaries. Therefore the saltmarsh and inter-tidal mudflats are also outside of the application site boundaries.

Scarce and Notable Plants

Several notable and uncommon plants were recorded from the site during surveys.

- White mullein (*Verbascum lychnitis*) – Area A
- Golden samphire (*Inula crithmoides*) – Area G
- Marsh mallow (*Althaea officinalis*) – Area G
- Mat-grass fescue (*Vulpia unilateralis*) – Areas B and C
- Yellow vetchling (*Lathyrus aphaca*) – Area D

All of these species are listed as Nationally Scarce. As such areas A, G and F are regarded as being of **County Importance** for its vascular plant assemblage.

Terrestrial Invertebrates

A total of 471 species of invertebrates have been recorded for the Temple Marsh site. No invertebrate species that are afforded protection under any UK or European legislation were encountered during the survey. Five species are listed in the Red Data Book category 3 (RDB 3) (rare nationally). These species are:

- A ground beetle (*Anisodactylus poeciloides*) – Area G
- A sand wasp (*Cerceris quinquefasciata*) – Area A
- A cuckoo bee (*Hedychrum niemelai*) – Area A
- A solitary mining bee (*Lasioglossum pauperatum*) – Area A
- An ant (*Myrmica bessarabica (= specioides)*) – Areas A and G

As the recorded assemblage contained five RDB 3 (nationally rare) species, the site is judged to be of **National Importance** for invertebrates.

Breeding Birds

A total of 47 bird species were recorded during the surveys undertaken. Most of the species recorded are widespread and common, although several are of conservation concern due to their declining populations. These include:

Red List of Birds of Conservation Concern (BOCC)

- Song thrush (*Turdus philomelos*)
- Starling (*Sturnus vulgaris*)
- House sparrow (*Passer domesticus*)
- Linnet (*Carduelis cannabina*)

Amber List of BOCC

- Kestrel (*Falco tinnunculus*)
- Sand martin (*Riparia riparia*)
- House martin (*Delichon urbica*)
- Swallow (*Hirundo rustica*)
- Meadow pipit (*Anthus pratensis*)
- Grey wagtail (*Motacilla cinerea*)
- Nightingale (*Luscinia megarthynchos*)
- Dunnock (*Prunella modularis*)
- Green woodpecker (*Picus viridis*)

In addition to the above list, Rock pipit (*Anthus* perosus) was also recorded as being present. This species is noted as being Kent Red Data Book 1 (KRDB 1). KRDB1 is a breeding species with 25 pairs or fewer in Kent.

The assemblage recorded at Temple Marsh is not considered to be significant at county level.

In assessing the significance at local level, it is considered that because of the presence of 13 birds of conservation concern during the summer months, the site is of **local (i.e. Strood) significance**.

Wintering Birds

A total of 39 species were recorded feeding in the inter-tidal habitat during the low tide period and a further 19 species on the site itself, mainly within the scrub. None of the species utilising the inter-tidal habitat used the terrestrial part of the site for roosting or loafing during high water.

The following birds of conservation concern were recorded:

Red List of BOCC

- Bullfinch (*Pyrrhula pyrrhula*)
- Song thrush (*Turdus philomelos*)
- Starling (*Sturnus vulgaris*)

Amber List of BOCC

- Black-headed gull (*Chroicocephalus ridibundus*)
- Common gull (*Larus canus*)
- Cormorant (*Phalacrocorax carbo*)
- Dunlin (*Calidris alpina*)
- Dunnock (*Prunella modularis*)
- Green woodpecker (*Picus viridis*)
- Kestrel (*Falco tinnunculus*)
- Lapwing (*Vanellus vanellus*)
- Oystercatcher (*Haematopus ostralegus*)
- Redshank (*Tringa totanus*)
- Shelduck (*Tadorna tadorma*)

The combined (terrestrial and inter-tidal) species count for the site is of local significance. None of the species recorded are rare although some are declining and are of conservation concern.

The scrub and inter-tidal habitats within or adjacent to the site form part of the River Medway between Cuxton and Temple Marsh Local Wildlife Site, which is designated in part for its wintering birds. The winter bird survey indicates that the inter-tidal areas adjacent to the proposed development site should be considered to provide additional habitat adjacent to the local wildlife site and contribute to the wader habitat in the upper Medway Estuary. As such the wintering birds at Temple Marsh are considered to be of **district (i.e. Medway) significance**.

Reptiles

Reptiles are present throughout most of the Temple Marsh site. Common lizard was the most frequently recorded species and slow worm was the species found in greatest densities. The site does not meet the criteria for designation as a Local Wildlife Site, however the presence of a good population of slow worm (UK BAP priority species) is of **local (i.e. Strood) significance**.

Bats

None of the buildings at the site were thought to contain bat roosts. Emergence surveys at various locations within the site did not record bats until at least 30 minutes after sunset, suggesting that bats flew some distance from off-site roosts to reach the site.

The lack of roosts and low numbers and diversity of bats observed foraging at the site suggests that the site is at most of **local importance** for bats.

Impact of the development

In terms of habitat, the main impact of the construction phase of the development would be the loss of brownfield mosaic (approx. 2.5ha), which is of national importance for invertebrates and regional importance for its plant diversity. Mitigation agreed with the Kent Wildlife Trust will involve the translocation of the most significant areas of vegetation (approx. 1.5ha). It is anticipated that the works shall take place in late summer when invertebrate populations are resilient and as far as possible in advance of site clearance for the development, to provide an opportunity for colonisation of translocated substrate, prior to the removal of the area to be lost. It is recommended that a condition be attached to any forthcoming planning permission for a management plan including detailed specification and a timetable to be submitted and agreed for the translocated habitat to ensure that the created habitat provides effective compensation for that removed by the proposal.

In addition to the translocation of the brownfield mosaic habitat, a reptile translocation will be required prior to the commencement of works. A receptor site will need to be identified. It is anticipated that the majority of the reptile population will be retained on the site or in close proximity. Again, it is recommended that a condition be attached to any forthcoming planning permission to ensure that the translocation is effective.

Further conditions are recommended to ensure that:

- any vegetation clearance is undertaken outside of the bird nesting season (from September to February) to avoid destruction of eggs and young and to ensure there would be no detrimental impact on the bird population, and
- further bat surveys, including emergence surveys, of any buildings considered to have potential for roosting bat are carried out in the appropriate season prior to the commencement of works and to allow sufficient time for mitigation to be implemented.
- A survey for Japanese knotweed and Giant hogweed be carried out prior to site clearance and construction and an approach approved to avoiding its spread during construction.

In terms of disturbance from noise, lighting and flares during construction, the opportunities for temporal mitigation i.e. concentrating noise generating activity is complicated by the two receptors, (nightingale and wintering birds), being present at different times of the year, as there is no period available when effects on both can be avoided. It is recommended in the ES that the works closest to the SNCI should as far as possible be carried out in the winter months (September-February). Wintering birds are judged to be less sensitive to the effects of noise as there is extensive habitat that any displaced birds can utilise and some habituation is considered probable. The effects of disturbance will also reduce as newly constructed buildings act as screens to subsequent construction activity.

In order to minimise disturbance to wintering birds and nightingales it is recommended that works sites are screened to reduce the levels of human and vehicular activity visible from the foreshore and any accidental disturbance of scrub habitat. Any lighting associated with the construction phase should be directed away from the SNCI and if necessary should be fitted with cowls to ensure that light spillage on sensitive areas is avoided. These measures should be implemented through the Construction Environmental Management Plan.

Disturbance and predation of birds during the operation phase should be addressed through habitat management, a design and access strategy and through raising awareness of the wildlife interest of the site. If habitats are appropriately managed and nature conservation can be prioritised in access, design and management, and there is a commitment to ongoing monitoring and any additional works needed to manage access, the operation effect of disturbance can be reduced to **not significant**.

Lighting for security and access within the site during operation should minimise light spillage and glare onto the inter-tidal habitats and the SNCI. It is recommended that a condition be attached to any forthcoming planning permission to require details of the lighting to ensure that there would be no detrimental impact on the bird populations located within the abovementioned habitats and that the development would be in accordance with Policy BNE5 of the Medway Local Plan 2003.

With the use of appropriate conditions, it is considered that the proposal would not result in any detrimental impact on ecology either within the application site boundaries or adjacent to the site. The proposal is considered to be in accordance with PPS9, Policies CC1, CC8, NRM5 and KTG7 of the South East Plan 2009, Policies BNE36, BNE37, BNE38 and BNE39 of the Medway Local Plan 2003 and the Temple Waterfront Development Brief.

Highways

PPG13 details Government policy on transport and promotes sustainable development by reducing the need to travel through appropriate land use and transport planning. PPG13 identifies three key objectives of the integration of planning and transport at the national, regional and local levels namely:

- to promote more sustainable transport choices for people and for moving freight;
- to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling;
- to reduce the need to travel, especially by car.

Paragraph 19 emphasises the importance of ensuring that jobs, shopping and leisure facilities and services are accessible by walking, cycling and by public transport.

Paragraph 20 draws attention to the important link between planning and transport. This includes the importance of ensuring the availability of local services, including primary schools, health centre and convenience shops and that these are easily accessible particularly by walking and cycling.

The submitted parameter plans, Design and Access Statement and illustrative masterplan respond to this guidance by providing a mixed development. Although the development is housing led, many of the local requirements will be provided on site or are already within close proximity to the application site, including job opportunities and local retail and community facilities. The submitted documents also give high priority to pedestrian/cycle movement within the site and to ensuring that high quality connections can be provided to external pedestrian and cycle networks. The submitted documents seek to encourage public transport by providing a possible future bus route through the site.

The application is supported by a Transport Assessment and a chapter in the ES entitled 'Transport and Access'. In terms of traffic generation, the number of vehicular trips have been predicted and analysed.

Traffic Impact

The transport assessment predicts the overall trip generation likely to arise from the development, how this is broken down into individual modes of travel and the way the trips are distributed on the transport network. The anticipated peak hour trips for each mode of travel have been calculated using survey data from 'person trip' databases, and the results are as follows:

	Walk	Cycle	Public Transport	Private vehicles
AM peak arrivals	166	26	15	166
AM peak departures	284	27	21	228
PM peak arrivals	143	12	9	217
PM peak departures	96	12	15	192

The predicted number of vehicle trips has been applied to the existing traffic on the highway network and growth rates used to assess the impact up to 2018. Other recently committed developments in the area, including Medway Gate, the hotel development at Medway Leisure

Park, development on Norman Close and Roman Way and the former Halling Cemex site have also been incorporated into the assessment, thereby ensuring that the cumulative impact on the highway network is examined.

The greatest impact on the highway network will occur at the main site access junction with Chariot Way and Roman Way, which is currently lightly trafficked during the peak periods. As outlined in the Development Brief, the proposed development will complete an access to Temple Waterfront by adding a third arm to the roundabout. The detailed design of this revised junction will be considered with a future 'reserved matters' application, which will need to be accompanied by a road safety audit of the access proposals. However, the proposed junction has been modelled to demonstrate that, in principle, a satisfactory arrangement accommodating the development traffic can be achieved.

The next largest impact on the highway network will occur at the Cuxton Road/Roman Way/Medway Gate roundabout. The junction assessment indicates that, up to 2018, the roundabout will continue to operate within capacity at all times of the day. The southern arm will be close to capacity during the evening peak between 1730 and 1755, with queues of up to 16 vehicles. This level of queuing will not have significant consequences, as it is unlikely that other junctions will become blocked as a result. This aside, vehicle queues are predicted to be at a low level on all arms of the junction during the peak periods.

In accordance with the access principles outlined in the Development Brief, an access to the proposed development will be provided from Knight Road via Walnut Tree Bridge, which currently provides uncontrolled access for large vehicles associated with existing uses on the site. It is intended, however, that the main access to the site will be via Roman Way, with Knight Road restricted to a relatively lightly trafficked secondary access. The Transport Assessment predicts that 26% of development traffic will use Knight Road and Walnut Tree Bridge to access the development. This assumption is based upon the use of travel to work Census data to assess the most likely route to the site. In order to improve safety for all future users, it is proposed to upgrade this access to a signal-controlled shuttle working arrangement, with a separate stage for pedestrian movements through the arch. The detailed design of this revised junction will be considered with a future 'reserved matters' application, which will be need to be accompanied by a road safety audit of the access proposals.

The width of the carriageway imposed by the arch and the proposed signalisation will ensure that this route will be less attractive than the relatively free flowing access from Roman Way, and on this basis it will be self-regulating. It is also likely to discourage 'rat-running' through the development. Clearly, a low level of queuing is likely given the signalised arrangement of the access, however it has been demonstrated that this will not significantly compromise traffic flow on Knight Road. On this basis, it is considered that, in principle, a satisfactory arrangement accommodating the development traffic can be achieved.

Given the limited amount of development traffic likely to use the Walnut Tree Bridge/Knight Road access, the impact on the Priory Road/Knight Road/Morrisons junction is predicted to be small. The capacity analysis indicates that the junction will operate within capacity with a minimal increase in vehicle queues during the peak periods.

The Cuxton Road/Darnley Road roundabout currently experiences queues and delays at peak times. The proposed development is predicted to result in an additional 63-68 vehicles using this junction during the peak periods. This increase, at just over one additional vehicle per minute, is considered modest and will not substantially impact upon the operation of the junction.

The impact of the development traffic on junction 2 of the M2 has also been assessed, and will continue to operate within capacity during the peak periods. The Highways Agency has considered the application and raised no objection to the development's impact on the strategic network. All junctions have been assessed in terms of their accident records, with only one accident on the Cuxton Road resulting in serious injury to a pedestrian. All remaining accidents were slight in severity, and the available data does not indicate a significant trend resulting from deficiencies in the highway network. On this basis, it is considered that the proposed development will not significantly increase the likelihood of road traffic accidents

Internal Layout and Parking

It is expected that the proposed development will provide parking in accordance with the Council's adopted parking standards. With no existing dedicated public transport linking the site with the surrounding area, the standards for areas of medium/low public transport accessibility would be relevant. However, on the basis that a frequent bus service will be established that links the development with local centres and transport hubs throughout the day, the standard for areas of high public transport accessibility could reasonably apply. The implementation of a car club within the development would also provide a reasonable justification for applying a lower parking standard.

Whilst the detailed design internal layout of the site will be determined at a later stage, the key principles outlined in the application – a clear hierarchy of streets, homezones and urban spaces that prioritise the movement of pedestrians and cyclists wherever possible - are considered acceptable and in accordance with Policy T12 of the Medway Local Plan 2003 and the Temple Waterfront Development Brief.

Alternatives to Car Travel

Public Transport

Given the undeveloped nature of the site, existing public transport services in the immediate vicinity are limited. An evening-only service operates via Roman Way during the week, with a 2-hourly service provided on Sundays. The remainder of the 151-bus service, which provides an hourly service between West Malling and Chatham, can only be accessed from the A228 Cuxton Road. This is over 500m uphill walking distance from the site. The Transport Assessment acknowledges that walking to Cuxton Station via the existing public right of way is not currently achievable due to overgrown vegetation and the walk distance from Strood Station "is significantly longer and is unlikely to present a commonly used access option".

Although a range of local services will be available within the site and at the nearby Morrison's supermarket, improvements to public transport access will help to ensure that occupiers of the proposed development will not be reliant upon the private car. In accordance with the Development Brief, it is therefore considered necessary for bus services and infrastructure in the vicinity of the site to be improved in association with the

development proposals. As such, the provision of a shuttle bus service linking the site with Strood Town Centre/Rail Station, Medway City Estate and Chatham Dockside is sought through a legal agreement.

This will require the developer to directly or indirectly support an improved public transport service from a local provider who would operate it as a public bus service. It is likely that, over time, higher levels of patronage will increase the profitability of the service. However, this will only happen once the development is practically complete, and therefore it will be necessary for the developer to guarantee the provision for a period of time. A similar public transport obligation was included in the Section 106 agreement for the Medway Gate development on the western side of the A228, and there is an opportunity for both developers to negotiate the provision of a bus service that incorporates both sites. In order that the service may follow the most direct route, it is important that suitable provision for buses is made at the Walnut Tree Bridge access prior to commencement of the service. The potential route and hours of operation will provide the opportunity for occupiers of the proposed development to connect with rail services at Strood Station for longer distance journeys, and it is important that the agreed timetable reflects this. This is particularly appropriate given the provision of a high-speed service from December 2009 that will significantly reduce peak journey times to London. Currently, trains operate between Strood and London twice per hour and this determines, to a large degree, the proposed frequency of the bus service. The limited car parking available at the station places a greater emphasis on the need for the development to provide an alternative mode of travel to the private car. The potential bus service provision will also encourage the use of public transport for local trips within Medway for a variety of purposes, including home to school travel (thereby reducing the impact of the school run on the highway network), travel to work and leisure and shopping.

The proposed frequency of the service would ensure compliance with the Council's Local Area Agreement Target National Indicator 175, and is closely associated with the aims and objectives of Medway's Local Transport Plan 2006-2011. This aims to ensure that all developments of 50 units or more are accessible by a public transport service (located within 500 metres of the development) that provides links with a frequency of 30 minutes or better to a town centre in Medway during the morning and evening weekday peak periods.

The development proposes the provision of three bus stops within the site, with the aim of ensuring no property within the development is more than 200 metres from a bus stop. It is expected that the development will provide high quality passenger waiting facilities at these stops, including shelters and real time information displays. It is therefore recommended that a planning condition be attached to any forthcoming planning permission to secure this.

Pedestrian and Cycle Facilities

Pedestrian and cycle access is proposed to take place from three key locations: the main Roman Way access, Wickham Arch and Walnut Tree Bridge (Knight Road).

In terms of pedestrian access from the eastern end of Roman Way, this will be facilitated through footway provision at the main site access roundabout and a new riverside walk. The provision of a riverside path and cycleway in accordance with Policy L11 of the Medway Local Plan 2003 represents an intrinsic part of the redevelopment proposals. Connecting with the existing provision, the development will make an acceptable provision for pedestrian links to the south.

Facilities for pedestrians and cyclists between the site and Knight Road via Walnut Tree Bridge/Knight Road are currently very poor and need to be improved as part of the redevelopment of the site. Pedestrian provision at Walnut Tree Bridge is proposed to comprise a signalised arrangement with a separate pedestrian phase. The detailed design of this arrangement would be considered with a future reserved matters application, however, it is important that this links to the existing pedestrian provision on Knight Road, which will require highway improvements at the junction. It is also critical that satisfactory pedestrian facilities are provided on the approach to Walnut Tree Bridge, given the continued presence of Morgan's Timber Yard. On this basis, a contribution towards public realm improvements in Knight Road is required to improve the quality of the area particularly for pedestrians and cyclists. Reserved matters application(s) will be expected to contribute to public realm by proposing a high quality pedestrian link between the site and Knight Road.

A key pedestrian and cycle access route to the site, given its proximity to the centre of the residential areas, is through Wickham Arch. Wickham Arch is currently unsuitable for the pedestrian movements generated by the proposed development, and therefore a condition is recommended that secures the submission of an improvement plan proposing significant enhancements to drainage, surfacing, lighting and a satisfactory link with Norman Close. The developer should then implement the agreed improvements to a timetable to be agreed by the Local Planning Authority.

Car Club

Whilst the location of the site lends itself towards sustainable travel, with the improvements to public transport outlined above, it is likely that residents and employers will need to undertake occasional longer distance trips by car. The establishment of a car club on the site would make it easier for residents to meet their transport needs without running their own car, or in some cases without owning a second car. This, in turn, would reduce the traffic impact of the proposed development and sit alongside the improvements to public transport and walking and cycling facilities requested above. It may also have a positive impact upon the number of vehicles requiring parking within the residential areas of the development. As demand from residents tends to be during the evenings and at weekends, the car club should also be available to employees of the proposed development, whose likely daytime use will optimise utilisation and assist making the club viable. The community facility at the southern end of the site would provide an ideal location for the administrative function of a car club.

It is proposed the provision of a car club within the development is secured through a legal agreement. This would require the submission of Car Club Strategy that could address issues such as:

- Location of the car club facilities and administrative functions within the commercial sector of the site
- The number of car club vehicles provided in relation to the number of units completed,
- Membership fees
- The provision of dedicated car club parking facilities throughout the site
- Staffing
- Vehicle types, maintenance and replacement strategy
- Marketing and promotion, including a special launch event and introductory offers to encourage use
- Monitoring strategy, in conjunction with the Council

It is envisaged that the car club will, over time, become self-supporting, however in order to establish the facility and ensure its availability to all future residents and employees, it will be necessary for the developer to consider the longer term arrangements for the car club.

Travel Plans

Travel Plans for all proposed uses of the site will be required to complement other sustainable measures accompanying the development. The submitted application included both Employment and Residential Travel Plans. Managed by a travel plan co-ordinator, it will be required to raise awareness of the impacts of travel decisions and deliver sustainable transport objectives with reductions in car usage (particularly single occupancy journeys) and increased use of public transport, walking and cycling. This will be delivered through the introduction of various initiatives such as car-sharing schemes, discounted cycle equipment and bus season tickets for residents and employees, the distribution of travel packs providing information on non-car modes of travel and the establishment of a site-specific website, access to which will be facilitated by the provision of a broadband internet connection to all properties within the development. The submitted Travel Plans recognise the need for the coordination and monitoring of the Plans during their early years of operation. Any agreed contribution should be included in the legal agreement for the site.

The School Run

The proposed development will not contain any education facilities and therefore has potential to generate a reasonable amount of 'school run' traffic at peak times. This is likely to be associated with trips to schools in Cuxton and on the western side of the A228 (Elaine Primary School and Sherwin Knight and Bligh Infant and Junior Schools), all of which are within 2.5 miles of the site. Medway Council actively promotes School Travel Plans, Walking Buses and 'Safer Routes to School' initiatives that reduce the impact of the school run on the highway network, and a number of schemes have been identified in the vicinity of these schools. On this basis, it is considered appropriate for the proposed development to contribute financially towards updating local schools' travel plans, the Council's involvement in the Kent and Medway Walking Bus Group, and improvements to the safety and convenience of pedestrian and cycle routes to the school. A contribution of towards 'Safer Routes to School' initiatives in Strood and Cuxton including the promotion of Medway Council's participation in The Kent and Medway Walking Bus Group and updating, implementing and monitoring the travel plans for local schools in Strood is required to ensure that the development is fully incorporated into any future initiatives.

Public Right of Way

There is portion of a public right of way (PROW) RR24A located within the application site boundaries. The portion of the PROW beyond the site boundary (to the west of the railway line), is currently within the boundaries of a business located in Knight Road. Provision has been made for the re-establishment of the PROW within the application boundary to allow the PROW (if re-established to the northwest of the railway), to be used in its entirety. The development would be in accordance with Policy T2 of the South East Plan 2009 and Policy L10 of the Medway Local Plan 2003.

Conclusion on highways issues

The applicant has undertaken a comprehensive traffic assessment and all the main junctions on the A228 between the M2 and Strood Town Centre have been examined. All junctions will continue to operate satisfactorily having allowed for the effects of traffic growth, committed and future developments and the development proposals. The exception to this is the A228/Darnley Road/Northcote Road mini-roundabout. However, it is evident that this junction already has capacity issues during the peak periods, but the proposed development will not significantly worsen this situation.

Notwithstanding the above, the site is currently poorly connected to the surrounding area in terms pedestrian and cycle facilities and public transport. Local facilities are proposed on site as part of the proposed development, whilst pedestrian and cycle links will be improved as part of the development proposals. A local bus service that meets the travel needs of the development, both locally and further a field through a connection with services from Strood railway station will further support sustainable travel patterns. The introduction of a Car Club acknowledges the need for occasional car use, yet may go some way to reducing private car ownership and, in turn, parking pressures within the development. Combined with a highly accessible internal layout that prioritises pedestrian and cycle movement, and the promotion of non-car modes through the implementation of Travel Plans, it is considered that the development would provide an acceptable package of sustainable transport measures. On this basis, subject to the implementation of the suggested conditions and the completion of the legal agreement, no objection is raised in respect of PPG13, Policies CC1, T4, T5 and KTG1 of the South East Plan 2009, Policies T1, T2, T3, T4, T6, T11, T12, T13, T14 and T22 of the Medway Local Plan 2003, the Temple Waterfront Development and the SPD, 'A Guide to Developer Contributions'.

Education

The requirement for new education facilities at the application site was considered during the development of the Development Brief and Local Plan Policy CF6 specifies sites for the location of new primary schools. The Temple Waterfront site is not listed within Policy CF6. As such there is no requirement to provide a new primary school within the development proposals.

The introduction of a major residential development into the area has the potential to increase pressure on existing school facilities. In such cases, it is often the case that a financial contribution is made to upgrade facilities at existing schools to cope with the increased pressure arising as a result of the development.

In consultation with the Local Authority's education department, it is concluded that there will be surplus spaces within the surrounding primary and secondary schools even when taking account of the proposals for Temple Waterfront and the needs of the increased populations at other developments within the area, particularly at Cuxton Pit (Medway Gate) and other development sites in Strood South and Cuxton. As such, a financial request towards improving existing educational facilities in the area cannot be justified.

Despite no direct contribution being requested for education facilities, the applicant has agreed to a contribution towards safer routes to schools as set out in the highways section above.

The development proposal would be in accordance with the provisions of the Temple Waterfront Development Brief.

Legal Agreements

In accordance with Policy S6 of the Medway Local Plan 2003 and the SPD ' A Guide to developer Contributions', a number of requests for financial contributions have been put forward and agreed by the applicant. Given the need for flexibility, in that the development proposal is for up to 620 units and that changes in the market or planning policy may lead to the potential reduction in the numbers of units that are actually delivered on site, it is recommended that the legal agreement be drafted to take account of this.

It is proposed that with the exception of the contribution towards the maintenance of the open spaces within the site, the remaining requests for contributions are added together and divided to calculate the contribution on a per unit basis. It is then proposed that the legal agreement be drafted so that payments are made on a per unit basis at appropriate trigger points to ensure that the contributions are received in appropriate amounts. The contribution towards the management and maintenance of the open space will be made an annual basis for a period of 15 years.

Council as Applicant and Call In Process

The power to determine applications for planning permission normally lies with planning authorities, however, any application may be called in by the Secretary of State (SoS) prior to the making of any local decision using the powers contained in section 77 of the Town and Country Planning Act 1990. The power to call in is a discretionary one and there is no legal limitation on its scope. Over the years however, various criteria have been set by the SoS that generally define the circumstances when an application is likely to be called in.

Although these criteria have recently changed, the changes did not come into force until 20 April 2009 after the submission of this application. As such, the referral of the decision of this application to the SoS is made under the criteria set out prior to 20 April 2009.

As this application falls under criteria prior to 20 April 2009 it is being referred to the Secretary of State under the provisions of Circular 07/99 Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 due to the application being accompanied by an environmental statement and it being a departure from Policy L3 of the Medway Local Plan 2003, that the development is over 150 houses/flats and is on land owned by the Local Authority.

Conclusion and Reasons for Approval

This is a complex application which raises many issues that have been set out and addressed in this report. However, having regard to current National Planning Policy and Guidance, Regional Planning Policy, Local Development Plan Policies and Adopted SPD, the principle of the proposed development is considered to be acceptable. The proposal is also considered to be acceptable in terms of housing, employment and mix of uses, amenity concerns including open space provision, traffic generation, environmental concerns, archaeological issues and ecology. It is considered that the site can be developed in a manner that is acceptable in terms of design and appearance, residential amenities,

ecological and archaeological protection and parking. It is considered acceptable in terms of infrastructure contributions, subject to the successful conclusion of relevant legal agreements. Accordingly the application is recommended for approval.

This application would normally fall to be considered under the officer's delegated powers but is being reported for Members' consideration because of the number of representations received contrary to the Officers' recommendation and due to the significance of the application.

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2 MC2009/0583

Date Received: 5th May 2009

Location: 25 Swain Road Rainham Gillingham ME8 0SN

Proposal: Demolition of 25 Swain Road and construction of access road and 8 detached and semi-detached houses with garages, parking and landscaping - resubmission

Applicant: Hillreed Homes Ltd Hillreed House 60 College Road Maidstone Kent ME15 6SJ

Agent: Mr J Escott Robinson Escott Planning Downe House 303 High Street Orpington Kent BR6 0NN

Ward: Rainham Central

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on 22nd July 2009.

Members are advised that the applicant has appealed against the non-determination of this application to the Planning inspectorate; as such therefore members are not able to determine the application. However it is important to have a resolution from the members on this application as if they were in a position to determine the application.

Recommendation - Refusal

1 The limited amount of useable garden areas for family dwellings and the physical proximity and size of the trees would be likely to lead to requests for their removal, the loss of these trees would detract from the setting of the proposal and conflict with criteria (iv) of policy H9 of the Medway Local Plan 2003 and policy NRM7 of the South East Plan 2009.

Site Description

Swain Road has a variety of dwelling types including both houses and bungalows. It would appear that the road was originally developed as a series of individual plots, which is reflected in the varied size, form, and appearance of the dwellings. There is no strong building line or uniform plot width. Generally plots are relatively narrow; consequently the frontages are fairly continuously developed although the road is almost entirely comprised of detached properties.

The low density and air of spaciousness derives very much from the length of the rear gardens, which give substantial space behind the frontages. There is a good level of tree cover, particularly to the north where the houses abut East Hoath Wood and the woodland spills into the gardens.

Located in the rear garden of No. 25 Swain Road are a number of buildings used as pigeon lofts as well as two detached garages that are served from an access to the side of No. 25. The site is currently laid out as a domestic garden with lawn and ornamental flowerbeds and shrubs.

Proposal

The application seeks permission for the demolition of 25 Swain Road and construction of access road and 6 detached and 2 semi-detached houses comprising 3 and 4 bedrooms with garages and parking.

The proposed layout of the development involves the demolition of 25 Swain Road and the construction of a new access road from Swain Road. Plots 1 and 2, which comprise a pair of semi-detached houses, would be set to the western side of the access road. The proposed houses would have rear gardens approx. 13m in depth.

Plots 3 – 6 would be aligned across the rear of the site facing onto the informal square and the new access road and would comprise detached and linked detached properties. The rear gardens would be between 15 and 22m in depth and would face out onto the woodland.

Plots 7 and 8 would be set to the eastern side of the access road and would comprise two detached houses. No 8 would have a double garage set to the southern side.

In total the proposal provides in excess of 20 parking spaces in garages and on private driveways.

Site Area/Density

Site area:	0.39 ha (0.96 acres)
Site density:	20.5 dph (8.33 dpa)

Relevant Planning History

GL/92/0008/71/0013	Outline application for the erection of 6 detached two storey dwellings Refused 30 January 1992 Appeal Dismissed 12 October 1992
MC2008/0420	Demolition of dwelling and construction of 12 detached/semi-detached 3 & 4-bedroomed houses with garages, parking and associated landscaping Refused 04 June 2008 Appeal Dismissed 28 November 2008

The application differs from that dismissed on appeal through:

- the reduction in land – the site now does not include land to the rear of No. 33 Swain Road in turn reducing the number of houses from 12 to 8
- moving plots 3 – 6 further away from the northern boundary of the site
- Altering plots 1 and 2 from linked detached to semi-detached

- supplying engineering details of the ‘no dig’ proposals for the new access road
- Non-useable (shaded) areas have been indicated on the plans for garden areas
- Lighting and landscaping details have been provided

Representations

30 Letters received from 29 households relating to with the following summarised comments:

- Over development
- Devastating to the houses and families in the immediate area
- Invasion of extra homes could be catastrophic
- Damage to the environment by restricting Hoath Way with speed bumps, lane destruction and enlarging pavements creating vehicle fumes and pollution as well as noise and tailbacks
- The effect on the peoples health and well being in this area surely outweigh and need for 8 new build houses, in a market that is not selling homes or indeed in need of any new homes, especially in an area such as Wigmore
- Weight of increased traffic on Swain Road and Hoath Road
- Detrimental to environment
- Reduction in house value
- Dangerous junction of Swain Road with Hoath Way with a blind corner – more houses would lead to more traffic which would also be a problem
- Not within the local plan for Medway Council Amenities are not sufficient to sustain 8 units – garden areas, public amenities and emergency services
- Increase in volume or vehicular traffic into the every busy Hoath Lane will be considerable
- Semi-rural character is partly due to the well wooded gardens and will be greatly eroded by the application
- Refusal reasons should be the same as those previously and the decision by the planning inspectorate should be upheld
- Some documents on the internet are not readable
- Exacerbate the parking problem
- Any steps to restrict traffic on Hoath Way would endanger the safety of residents of Wigmore as it would impact the time taken fro any Emergency Vehicles to rear the area
- Severe traffic congestion on Hoath Way especially at peak times
- Swain Road is a quiet road safe for children and the elderly, more houses will bring more traffic
- Concern over the date for consultation
- Swain Road is currently difficult to negotiate by large vehicles this would be worse if additional vehicles are parked within the area
- Development of more land to the rear of the houses in Swain Road may lead to a “rat run” if people exited through Springvale Road, making the road more dangerous
- Surveys should be done on the effect of construction traffic on the road network
- Concern over drainage, sewage and water pipes
- Inconvenience to households
- Road surface would have to be renewed
- Plan doesn’t help the homeless due to the likely cost of the proposed houses
- Backyard development
- New proposal would do exactly what the last rejected proposal would do

- Concern over affect and damage on wildlife
- If it expanded east and west this would greatly increase the noise level and create even more disturbance
- Sight lines greater for The Wheelers
- Closeness of the boundary wall to No. 27 Swain Road – no room for repairs and maintenance
- Loss of outlook and privacy
- Not in accordance with policy H9 of the Medway Local Plan 2003
- Boundary of No. 27 not quite correct on the plans
- Concern that the private footpath between 59 and 57 Springvale will eventually become a public footpath which would be a possible source of noise and nuisance, or widened to allow road access
- Over development of the site
- The plans show areas of possible future development – if permission for this was given the developers would argue that they have been given consent. This would compound the negative affects on residents
- Unnecessary demolition of a pleasant detached property
- Use of outdated information in documents
- Inadequate amount of parking
- Design of access road is badly compromised
- Plans are not accurate enough to make a determination
- Plans propose the removal of a protected walnut tree
- Road unacceptably close to No. 23 Swain Road
- Access road does not conform to Manual for Streets, no provision for disabled pedestrians, conflict between motor vehicles and cyclists
- The Wheelers development has a wider and shorter access road than that proposed
- Refuse vehicles cannot enter the access
- Pedestrian security in the dark is queried on the long narrow access road
- Concern about the access road being private with regard to maintenance and indiscriminate parking
- Proposal may be detrimental to East Hoath Wood – ancient semi-natural woodland requires special treatment
- Council should consult with the Regional Conservancy of the Forestry Commission
- Not in accordance with policy H9 of the Medway Local Plan with regard to the removal of existing natural features
- No room for successful re-planting of trees and no protection for them from removal once planted
- Removal of T4 from the site is not a coincidence
- The proposed houses have small rear gardens especially plots 1 and 2
- Not in accordance with policies BNE8 or T3 of the Medway Local Plan 2003
- Inaccurate and misleading presentation of data
- Out of keeping with the character, style and density of the surrounding area

Kent Police have written with the following comments taken as requested from their previous comments on application MC2008/0420:

- Important to consider the application in conjunction with any other potential development on adjacent land. Future development could increase permeability over and within this proposed location, which could potentially increase opportunity for

crime or antisocial behaviour and could be sued as a short cut to surrounding roads which may affect residential amenity of existing residents
- Additional vehicle movements on future development need to be taken into account – pressure could lead to potential issues or problems
- Robust boundary treatment will be required
- Concerns about the suitability of low-level bollard lighting and whether it will provide an effective high level of uniform lighting, a review of lighting is recommended

The Woodland Trust have written with the following comments:
- PPS9 recognises the value of Ancient Woodland, the land immediately to the north of the development site, East Hoath Wood is listed on Natural England's Ancient Woodland inventory as Ancient Semi-Natural Woodland
- Detrimental edge effects penetrate woodland and it is known that changes in microclimate extend up to three times the canopy height in from the forest edges
- Buffer zones around semi-natural habitats and ancient woodland are essential to reduce the impact of damaging edge effects if their sustainability is to be improved
- The Woodland Trust object to the application on the ground that the change in land use associated with the development will be detrimental to the Ancient Woodland, and the size of the site means that adequate buffering cannot be provided to minimise these disturbances
- Particular concerns include:-

    - Number of houses – which means that British Standard 5837 (Trees in relation to construction) cannot be adequately applied to protect the woodland edges and any trees that are marked for retaining
    - Adequate protection for the woodland from the construction works during development will not be possible owing to the size of the land and intensity of the proposals. This will likely lead to the woodland edge trees being severely damaged, both by un-intended knocks from the construction vehicles and solid compaction around the roots
    - There maybe changes to the hydrology altering ground water and surface water quantities as a result of the development, which will disturb tree growth. Also the introduction of water run off from urban development will result in changes to the characteristics and quality of the surface water as a result of pollution/contamination etc
    - The physical presence of the buildings in such close proximity to the woodland edge will have an adverse effect on bird and insect life due to noise and night time light intrusion
    - Where the woodland edge overhangs gardens, branches and even whole trees can be indiscriminately pruned or felled, causing reduction of the woodland canopy
    - There will inevitably be safety issues in respect of trees adjoining public areas and buildings, which will be threatening to the long tern retention of such trees
    - The intensity of the development and the smaller gardens that this necessitates will likely encourage more people to access the woodland from "unofficial" footpaths leading to damage of the ground flora and disturbance of the wildlife living in the woodland
    - Intensification of the recreational activity of humans and their pets cause disturbance to the habitats of breeding birds, vegetation damage, litter, and fire damage

- Where gardens abut woodland or the site is readily accessible to nearby housing, there is an unfortunate tendency for garden waste to be dumped in woodland and for adjacent landowners to extend garden areas into the woodland.

Following the receipt of amended plans the following representations have been received:

9 letters from 8 households received with the following summarised comments:

- As a consequence of the traffic calming measures and the increased flow of traffic in and out of Swain Road there will; be serious tailbacks at both the major roundabout on Hoath Way and the mini roundabout at Courtney Road
- Kerb build outs narrow the road and endangers those living in Wigmore due to the impact they will have on the time taken for emergency vehicles to get to people
- Need a pedestrian crossing near Woodside
- Query over how the Council will solve the traffic problems into Parkwood
- Concern over access to a driveway
- Concern about how the road humps will affect noise inside their property.

Kent Police have written to advise that they have no additional observations or representation to make from a Crime prevention through environmental design perspective bit recommend that the Council transport and highways team ensure the suitability of traffic calming measures.

Wigmore Community and Residents Association has written to object to the application on the following grounds:

- Loss of rear gardens

- Road improvements should go through safety audit and should not be an impediment to existing residents

1 Further letter has been received expressing concern on the proposed highway safety measures and impact on their driveway.

Development Plan Policies

South East Plan 2009

Policy SP3	(Urban focus and urban renaissance)
Policy NRM7	(Woodlands)
Policy T4	(Parking)

Medway Local Plan 2003

Policy S6	(Planning Obligations)
Policy BNE1	(General Principals for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE39	(Protected Species)
Policy BNE43	(Trees on Development Sites)
Policy H4	(Housing in Urban Areas)

Policy H9 (Backland and Tandem Development)
Policy T13 (Vehicle Parking Standards)

Planning Appraisal

Background

The site falls within the urban area, as defined in the Local Plan, and the site would therefore fall to be considered against Policy H4 of the plan. This policy states that redevelopment and infilling for residential purposes is acceptable in principle providing that a clear improvement in the local environment will result.

There is significant planning history for residential development relating to the curtilage of number 25 Swain Road, dating back to the 1970s.

More recently the site has been the subject of an appeal for the demolition of 25 Swain Road and the construction of 12 detached/semi-detached 3 & 4-bedroomed houses with garages, parking and associated landscaping. The appeal was heard at public inquiry where it was dismissed and in conclusion the inspector states, "*although I consider that proposal would not be detrimental to highway safety or harm the living conditions of surrounding residents, the harm to the character and appearance of the surrounding area is an overriding and compelling objection to the proposal*." This will be explored further in the report below.

Principle, Street Scene and Design

The appeal inspector in her decision at paragraph 9 states, "*backland development is not unusual within the surrounding area. Examples include The Wheelers within Swain road and Zillah Gardens in Springvale. Due to the location of the appeal site towards the end of a narrow cul de sac, views of the proposed access road would be limited. Taking account of the existing access at The Wheelers and the varied appearance of Swain Road, I consider that proposed access would not be harmful to the street scene*".

Moving onto the design of the houses the inspector at paragraph 10 and 11 states "*The proposed dwellings would be of a traditional design and the variation in their size and appearance would reflect the diversity of the existing dwellings on Swain Road…. The proposed car parking would be well integrated with the overall layout. The space between and around the dwellings, together with the numerous trees on the site, would give the proposal a spacious appearance that would complement the existing dwellings in Swain Road. The proposed dwellings would not be readily visible from Swain Road. Those directly opposite the access road would be over 70 metres from the existing highway, and any views would be partially obscured by the canopy of the Norway maple that would overhang the access road. Overall, I consider the form and layout of the proposal to be compatible with the surrounding area*". The layout of the proposed application is very similar to that before the inspector at the appeal with the exception that the land to the rear of 33 Swain Road is not part of the current application. It is therefore considered that the appeal inspector's comments are relevant and are a material planning consideration.

At the time of her decision the inspector took the previous appeal dismissal in 1992 into account and concluded that "*it is unclear as to how the character and apperance of Swain Road has altered in the 16 years since his [previous inspectors] decision. Moreover development plan policies at that time included a general presumption against backland development, whereas Local plan policy H9 is supportive of such proposals*".

Policy H9 of the Medway Local Plan states "*backland development will be permitted only when it does not constitute piecemeal development that would threaten the comprehensive development of a wider area. Backland development will be permitted when:*

> *(i) there is no loss of privacy from overlooking adjoining houses and/or their back gardens; and*
> *(ii) there is acceptable vehicular access; and*
> *(iii) there is no significant increase in noise or disturbance to adjacent residents from traffic using the access; and*
> *(iv) existing natural features, such as trees, which contribute to the amenity of the area are retained or conserved; and*
> *(v) there is adequate private amenity space for the existing and proposed dwellings; and*
> *(vi) the character and amenity of the area as a whole is maintained*".

The plans show that the proposed layout could be extended to include the land to the east and west so that comprehensive redevelopment could occur to the rear gardens of the other houses in Swain Road should land become available at a later stage.

Parts (i) to (vi) will be further explored below in the other sections of the report.

Amenity Considerations

The appeal inspector in considering living conditions said "*the proposed access would give rise to a far greater number of traffic movements to the rear of the site by comparison with the existing driveway. The turning and manoeuvring areas would be departed from the existing dwellings by a substantial distance. Due to this any noise and disturbance experienced by the occupants of 23 and 27 Swain Road would tend to be limited to that arising from vehicles as they pass along the road. A noise assessment submitted by the appellant indicates that such noise would result in a marginal increase above the existing background noise levels. Nevertheless, such noise is likely to be of an intermittent nature, and would be noticeable above existing background noise levels particularly late at night. The appellant suggests that a pair of barrier fences along the boundary to both these properties would provide a reduction in noise of about 8dB. There is sufficient distance between the proposed access and the adjoining dwellings to provide such boundary fences as well as appropriate landscaping to these boundaries. Such fencing would also prevent disturbance from the headlights of vehicles using the access road. Whilst occupants of properties opposite the appeal site may be subject to some disturbance from vehicles headlights, such disturbance is insufficient to warrant dismissal of the appeal. I acknowledge that domestic noise from future occupants of the proposed dwellings may be discernable from some of the surrounding gardens. Nevertheless, taking account of the density of the proposal, and the distance of the proposed dwellings from, the existing dwellings in Swain Road such noise would be within acceptable limits of a residential area".* At paragraph 28 the inspector goes onto say "*I am aware the previous inspector considered that there was little scope to mitigate against noise and disturbance arising from the use of the access road. It would seem that the limited information before him did not include details of landscaping or other mitigation measures in relation to these boundaries. Taking account of all the information before me, including the mitigation measures proposed by the appellant, I conclude that the proposal would not harm the living conditions of surrounding residents and in this respect would comply with Local plan policies H9 and BNE2 which seek to safeguard residential amenity*".

The layout of the proposed application is very similar to that before the inspector at the appeal with the same issues the inspector dealt with above including noise and it is therefore considered that the appeal inspector's comments are relevant and are a material planning consideration and as such the scheme complies with Local plan policies H9 and BNE2 which seek to safeguard residential amenity.

Contamination

The former use of the site could have given rise to contamination. The Medway Local Plan 2003 contains a policy on contaminated land, Policy BNE23. The policy requires that proposals for development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies contaminants.

In order for this proposal to be judged against Policy BNE23 it will be necessary for the applicant to undertake the necessary site examination. Planning Policy Statement 23: Planning and Pollution Control states that planning applications should be accompanied by at least a desk top study where contamination is known or suspected or the proposed use would be particularly vulnerable.

However in this instance the current scheme is not significantly different to that which the appeal inspector commented on and it is therefore considered that this issue could be dealt with by condition if felt appropriate and is not a reason for refusal.

Ecology

The previous application was refused and part of that refusal related to concerns on ecology. However, by the time the appeal was heard the appellants had provided an ecological survey and Natural England advised that this provided mitigation for mammals and withdrew their objection. On this basis the Council did not contest this ground of refusal at the appeal.

Accordingly no objection is raised to the application under the provisions of Policy BNE39 of the local plan.

Trees

The appeal inspector noted in her assessment that "*there are a number of significant trees on the appeal site. The majority are located within the rear garden of 33 Swain Road, and for the most part consist of fruiting varieties and ornamental species. Those along the rear boundary of 25 Swain Road are safeguarded by a Tree Preservation Order that includes trees in the gardens to the west…There are about 121 trees on the appeal site. Of these, 53 are included in the arboricultural assessment submitted by the appellant. Those excluded from the assessment are generally young recently planted trees or fruit trees. The arboricultural assessment identified 9 category A trees (highly desirable for retention) and 15 category B trees (trees whose retention is desirable). It is proposed to remove a total of 28 trees, including the walnut tree identified as T1 on the provisional TPO , and 5 category B trees. Whilst I consider the loss of tree T1 to be unfortunate, its retention would preclude an efficient and attractive layout for the site. Furthermore, the appellant advised that one of the semi-mature category B trees could be transplanted to provide a replacement…Based on the root protection areas shown on the submitted plans it would seem that there would be no direct conflict between the proposed dwellings and the trees to be retained*".

The previous scheme before the appeal inspector had an additional 4 properties set on the land to the rear of No. 33 Swain Road, these properties referred to in the application as plots 7 to 10 were accessed by a driveway that is shown on the current plans as an "access to possible future development" and the inspectors comments should be noted "*The proposed driveway serving plots 7 – 10 would pass within the root protection area of the walnut tree…This tree would provide a focal point for the development and I consider its retention to be highly desirable. It is proposed to construct this driveway using a 'no dig' method. Although no details have been submitted, BS5837:2005 acknowledges that such surfaces can be constructed to suit most types of traffic. I am therefore satisfied that the works required to construct this driveway could be implemented without harm to this tree. Similar considerations apply to the Norway maple in the rear garden of 27 Swain Road (T3 in the arboricultural assessment) where the proposed access and driveway to Plot 12 would pass directly under the canopy. The appellant advised that a metal trackway could be used to protect the roots of this tree during construction. Although no details have been submitted I have no evidence to suggest that this would not be possible".*

The inspector moved onto discuss the trees to the rear of the site covered by a woodland TPO where it was noted that some of the trees would come within the rear gardens of the proposed dwellings on plots 3, 4, 5 and 6 and where the inspector thought they would restrict the light within the dwellings and dominate the rear gardens. In particular she noted "*almost the entire rear garden of the dwelling on plot 3 would be occupied by these trees. The limited amount of useable garden area for these family dwellings and the physical proximity and size of the trees would be likely to lead to requests for their removal, or for major surgery that may be difficult for the Council to resist. The loss of these trees would detract from the setting of the proposal and conflict with criteria (iv) of Local Plan policy H9 which seeks to retain trees and other natural features where these contribute to the amenity of the area. It would also harm the character and appearance of the surrounding area"*.

The proposed scheme differs from that dismissed on appeal through the alteration of plots 1 and 2 from two linked detached houses to a pair of semi-detached houses, this allows the width of the combined plots to be reduced from approx. 25m to approx. 15m allowing plot 3 to be moved further away from the trees at the rear (previous scheme approx. 15.8m from the trees compared to approx. 21m in the current scheme). The applicants have indicated on their plans that the useable garden area for plot 3 (i.e. garden area not affected by shading) is approx. 123m^2 and the tree canopies at their closest are approx. 4m from the rear of the house compared to approx. 1.5m in the previous scheme. In a similar fashion plots 4 to 6 have also been moved further away from the rear boundary by between 1 and 4m. In addition to this T13 is recommended for removal, a tree previously in the rear gardens of plots 5 and 6, which creates greater distance between the trees and the rear of the proposed houses.

While it is acknowledged that these changes have resulted in a layout that tries to overcome the issues raised as objection in the appeal decision it is considered that it has not gone far enough. The current proposal requires tree number 6 (a mature Walnut tree protected by a Tree Preservation Order and referred to as T1 in the inspectors decision) to be felled. The arboricultural report states that this tree is a grade A1 tree according to British Standard 5837 "Trees in Relation to Construction". BS 5837 states *"Category A - Those of high quality and value: in such a condition as to be able to make a substantial contribution (a minimum of 40 years is suggested). Trees that are particularly good examples of their species, especially if rare or unusual, or essential components of groups, or of formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)".* It is acknowledged that the inspector considered the loss of this tree to be unfortunate (paragraph 14 inspectors

report) but inevitable, as its retention would preclude an efficient and attractive layout for the site. Importantly this conclusion appears to have been reached partly because the appellant advised that one of the semi-mature category B trees could be transplanted to provide a replacement. No such replacement is shown in the current proposal and there appears to be no suitable locations for such a tree to mature.

The current proposal requires the removal of 10 out of 14 trees growing on the site. Four replacement trees are proposed on the landscaping plan, however, this level of planting does not address the fact that a significant proportion of existing trees will be removed to make way for development.

The inspector's decision in paragraph 17 acknowledges that rising land and dense tree cover would restrict light within the dwellings and dominate the rear gardens of the previous proposal. The inspector's comments go on to mention the limited size of useable garden area for family dwellings and how the physical proximity and size of trees would likely lead to requests for the removal or major pruning of trees. As set out above the current proposal is an improvement over the previous one for example the edge of the crown for tree T118 is 9.5m from house 3 now and on the previous scheme was 5m, but it is considered that the trees are still the same size (20m tall in the case of T118) and it is likely that there would still be requests for the removal or major pruning of trees which are protected by a tree preservation order for reasons stated below:-

- The shadow paths shown on plan 284/01f partly follow advice contained in paragraph 5.3 of British Standard 5837 "Trees in Relation to Construction" but it is the opinion of the Council Tree Officer that these do not take account of the dense foliage or current crown spread of the trees nor the shadow cast by the proposed dwellings (as detailed in notes 1 and 2 of paragraph 5.3) and therefore give a false impression of the garden areas not in shade. It is suggested that the gardens not in shade would be much smaller e.g. plot 5 rear garden will be shaded in the morning by the crown of tree 117, shaded at mid-day by the house and again shaded in the afternoon by tree 14. Paragraph 6.3 of British Standard 5837, reads. "*6.3.1 A realistic assessment of the probable impact of any proposed development on the trees and vice versa should take into account the characteristics and condition of the trees, with due allowance and space for their future growth and maintenance requirements. 6.3.2 The relationship of windows to trees which may obstruct light, should be taken into account. Excessive shading by trees should be avoided, particularly to rooms requiring light. This will vary with orientation and aspect of the building, proximity to the tree and the type of tree as foliage size and density varies with species (see also BRE Guides in the Bibliography). 6.3.4 Large trees can cause apprehension to occupiers of nearby buildings especially during windy conditions. 6.3.5 Leaves of some species may cause problems, particularly in the autumn, by blocking gullies and gutters. Fruit can cause slippery patches and accumulation of honeydew may be damaging to surfaces and vehicles.* The Council Tree Officer is of the opinion that paragraph 6.3 of British Standard 5837 has not been properly considered in the design of this development proposal.
- The shadow cast by hedges to the east and west of the development have not been plotted or taken into account.
- The general fears and perceived nuisances caused by trees in close proximity to dwellings have not been mentioned or taken into account. For example issues relating to fears that trees could fail, falling seeds and leaves, roosting birds and

squirrels all frequently lead to pressures for trees to be heavily pruned of felled which is dealt with in paragraph 6.3 of British Standard 5837 as set out above

- Plan 284/SS.12B shows a number of street scenes. The Tree Officer considers that the trees shown on the plans are not accurately drawn. For example the street scene looking east to plots 5, 7 & 8 show standard trees planted adjacent to the existing dwelling at 27 Swain Road, these trees do not exist and there is no obvious space to plant them in. The same scene also shows tree 3 growing in the garden of 27 Swain Road to have a much narrower crown than is shown on other plans. The street scene looking west to plots 1 - 4 show standard trees planted adjacent to the existing dwelling at 23 Swain Road when there are none and no obvious space to plant them in. The same scene also shows protected trees in the garden of plot 3 and 19 Swain Road to have much narrower crowns than is shown on other plans.

The applicants have advised that they disagree with the Councils Tree Officer stating, "*The trees which would be removed are not significant components of the local landscape. They were considered by the Council and were not regarded as being of sufficient importance to be included in the TPO….BS5837 only states that the shadow paths should be represented by a segment with a radius equal to the height of the tree drawn from due north-west to due east to show the shadow through the main part of the day. These are shown on the supplied plan in the recommended manner…the Standard does not give any guidance on how these segments should be modified to take account of crown foliage densities, and only refers the reader to documents produced by BRE (Building Research Establishment) for further information. It should also be noted that the Standard only requires the shadow paths to be show when trees "would cause unreasonable obstruction of daylight". As the trees concerned are to the north of the proposed dwellings, I do not consider that they would acquire such unreasonable obstruction of daylight and the inclusion of the shadow paths on the plan was therefore not actually necessary. The information supplied to the Council therefore fully complies with BS5837: 2005. BS5837: 2005 does not require the shading from hedges to be shown. With regard to Mr Sankus' [Council Tree Officer] comments on the perceived nuisance from falling leaves, seeds and fruit, roosting birds and the fear of trees failing, this is an often repeated mantra which rarely reflects the actual situation. The proximity of trees to dwellings is a characteristic of the area with many properties being closer to trees than would be the case in this development (e.g. several properties in The Wheelers). The Council have not produced any factual evidence to show that trees do, in fact have a significant or adverse effect on the living conditions of the occupiers of these properties*".

Notwithstanding this and taking into account all the above it is considered that the proposed scheme does not overcome the inspectors concerns and is not in accordance with policy H9 of the Medway Local Plan 2003 and policy NRM7 of the South East Plan 2009 which states…."*local authorities and other bodies will support the implementation of the Regional Forestry and Woodland Framework, ensuring the value and character of the regions woodland are protected and enhanced. This will be achieved by (amongst other things) protecting ancient woodland from damaging development and land uses*".

The comments of the Woodland Trust are noted but were considered by the Inspector previously who determined to dismiss the appeal only for the reasons stated above.

Traffic Generation & Impact

The Transport Assessment submitted with the application relates to the previous application for 12 houses on this site. However, the survey data remains relevant, and the trip rates identified can be used to calculate the likely traffic generated by a smaller development. On this basis, it is estimated that the proposed development of 8 dwellings will generate 5 vehicle movements during the morning peak and evening peaks respectively. This represents a 12% increase over the existing surveyed traffic flow on Swain Road during these periods. The additional vehicle movements generated by the proposed development will increase traffic on Hoath Lane by less than 1%.

The proposed development will result in a modest intensification of the Swain Road junction with Hoath Lane, a local distributor road subject to a 30mph speed limit. Whilst visibility from Swain Road to the south along Hoath Lane, at 115 metres, is considered acceptable, visibility to the north is restricted to 44 metres. The appropriate sightline is based on stopping sight distances, which is the distance drivers need to be able to see ahead and stop from a given speed. Recent government guidance contained within the 'Manual for Streets' publication sets out the appropriate stopping sight distances applicable to roads with speeds of up to 37mph. They are based upon research into driver reaction time and carriageway skidding resistance, a review of practices in other countries and studies showing no relationship between stopping sight distances and casualties. The 85th percentile wet weather speed for southbound traffic on Hoath Lane was measured at 33.4mph, for which a sightline distance of 50 metres is recommended. This application proposes to build out the kerbs at the junction of Swain Road and Hoath Lane to increase visibility to the north to 50 metres, which would comply with the guidance in respect of visibility splays. Whilst the build outs would reduce the width of Hoath Lane to 6 metres for a distance of approximately 25 metres, this will continue to allow two HGVs to pass each other. In addition, the application proposes three traffic islands on Hoath Lane that would incorporate pedestrian refuge facilities and an enhanced gateway feature at the point where the speed limit reduces from 40mph to 30mph. Each 1.5 metre wide island would locally reduce lane width to between 2.7 and 3.1 metres, which is sufficient to accommodate HGV and bus use, and vehicle tracking diagrams demonstrate that they would not compromise large vehicle access to and from Swain Road. Waiting restrictions will be provided on both sides of Hoath Lane in the vicinity of the junction. In addition to improving pedestrian facilities in the vicinity of the site, the pedestrian refuges are predicted to reduce traffic speeds by between 1 and 5mph, and the gateway improvement could reduce speeds by up to 7mph. The proposed off-site highway works have been road safety audited.

Internal Layout and Parking

Access to the proposed development is taken from Swain Road, a cul-de-sac accessed from Hoath Lane. Swain Road is around 6m wide along its full length, which is sufficient to allow two large vehicles to pass and meets Kent Design Guidance for a road of this nature. A 4.8m wide private access from Swain Road will provide direct access to the proposed dwellings, which is sufficient for a large vehicle and a car to pass. The private access includes two pinch points as traffic calming features, but retains a sufficient width to allow a large vehicle to access the development. Whilst the private access does not incorporate footways, a shared surface arrangement is considered acceptable given the low level of traffic likely to be generated by the development. An informal square is provided that will accommodate vehicle-turning movements.

Medway Council's Parking Standards indicate a maximum provision of 2 parking spaces for three bedroom dwellings and 3 parking spaces for 4 bedroom dwellings. This would amount to a maximum provision of 22 spaces across the proposed development. Each dwelling is provided with either a garage or double garage and driveway parking, with the site as a whole capable of accommodating off-street parking for up to 22 vehicles. As such, no objection is raised in respect of Policy T13 of the Local Plan, and proposal is considered to make an adequate provision for parking that will not result in any detrimental impact upon highway safety or residential amenity in the vicinity of the site.

Conclusion on highway issues

It should be noted that a previous application for 12 dwellings on this site was refused on the basis that a more intensive use of the Swain Road/Hoath Lane junction would be detrimental highway safety. At the subsequent public inquiry, the Inspector considered that the kerb build out proposed by the applicant, which increased visibility to the standard required by government guidance and would provide adequate driver visibility at the junction. The traffic calming measures proposed by the applicant, combined with improvements the improvement to visibility, would improve highway safety for existing road users. Accordingly, the proposal was considered to comply with Local Plan policies T1 and T2. The current application for is for a smaller number of dwellings, and the applicant's proposal for off-site highway works has been carried forward from the previous application. With the application making an acceptable provision for on-site parking, subject to the applicant entering into a Section 278 agreement with the highway authority to provide the off-site highway works shown on drawing 284/SK02, no objection is raised in respect of the transport policies of the Local Plan.

Conclusions and reasons for refusal

The proposed development would not be detrimental to highway safety or harm the living condirions of surrounding residents, but would harm the character and appearance of the surrounding area by virtue of its affect on the trees and is considered to be contary to the provisions of Policies NRM7 of the South East Plan 2009 and Policy H9 of the adopted Local Plan and the application is accordingly recommended for refusal.

The application would normally fall to be determined under delegated powers but has been referred to Committee as Committee considered and determined the previous application on this site.

The application was considered by Members at the Development Control Committee on the 22nd July 2009 when it was determined to defer a decision for site visit to take place.

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3 MC2009/0645

Date Received: 15th May 2009

Location: 33-37 Second Avenue Luton Chatham ME4 5AY

Proposal: Change of use from workshop B1 to place of worship and community centre D2

Applicant: Rev Ikotun Endtime Evangelical Church 35 Harvesters Close Rainham Kent ME8 8PB

Agent:

Ward: Luton & Wayfield

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on 12th August 2009.

(as amended by additional information received on 19th June 2009, letter received 9th July 2009 and additional information received on 23rd July 2009)

Recommendation - Approval with Conditions

1 The use hereby permitted shall be discontinued and the land restored to its former condition on or before 12th August 2014 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

2 The premises shall be used for the purpose of a Place of worship and Community Centre operational by the End time Evangelical Church and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). When the use hereby permitted shall cease any materials and equipment brought on to the premises in connection with the use shall be removed.

3 Materials used on the construction of external surfaces of the fenestration herein approved shall match those used on the existing building.

4 The area shown on the permitted drawings for vehicle parking shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

5 Prior to the first occupation of the building a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall include details of the parking mangement arrangement, daily operation and monitoring regime, measures to ristrict parking and dwell times within the car park to customers of the commercial units and the application site approved as a place of worship, the details of any permit scheme and staff parking orders. The Parking Management Plan shall be reviewed every 2 years and submitted to and approved in writing by the Local Planning Authority. The Management of the car park shall be undertaken in accordance with the approved details (and any approved review) unless otherwise first approved in writing by the Local Planning Authority.

6 The use hereby permitted shall only operate between the hours of 9:00am to 22:00pm Mondays to Thursdays; 9:00am to 23:00pm Fridays and Saturdays; 9:00 am to 22:00pm on Sundays and Bank Holidays.

7 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 8 to 11 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 11 has been complied with in relation to that contamination.

8 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

9 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works. Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in

accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority.

11 Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 9 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 10.

12 Prior to the commencement of the development hereby permitted, a scheme of sound insulation that implements the measures described in the noise assessement reference 30472.1v1 dated May 2009, shall be submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall be thereafter maintained in accordance with the approved details.

13 Prior to the commencement of the use of the building, details of a storage and methods of disposal for refuse shall be submitted to and approved in writing by the Local Planning Authority, the approved details shall be made available prior to the first use of the building and retained thereafter.

For the reasons for this recommendation for approval please see planning Appraisal section and conclusions at the end of this report.

Site Description

The site is located within a small industrial estate in Chatham. The site is located within a small valley and the land slopes down from the east to the rear of the application site the land slopes up away from the site with the dwellings at Durrell Gardens being at a higher ground level, approx 13 to 19 metres away from the application building.

The application site is a relatively small single storey detached unit, being the northern end of a run of three units, situated on the eastern side of Second Avenue. It was previously occupied by a car repair and bodywork business. The unit is at the corner of the junction between Second and Third Avenue and is bounded by 2 metre high chain link fencing to its northern and western front boundaries. To the rear there is a high retaining fence with the land sloping up from the site, overgrown with shrubs. The application building is set back from both roads and there is an area of off road parking to the northern side (approx 8 to 10 car spaces).

Second Avenue Industrial Estate is a fairly small (by comparison) industrial estate within a fairly central location in the Medway area. The area is heavily developed with limited parking, which is fully utilised and to which on-street parking takes place. The estate is a collection of single storey and two storey commercial and light industrial units, comprising of new and old buildings, some of which are vacant and are advertised for letting.

The units in the industrial estate have a range of frontages, signage and colouring in their external appearance.

Various other non-compliant uses have been permitted within the Industrial Estate, for example a Kick boxing and Martial Arts Academy opposite to the north at Unit 2 Dajen Business Park, a gymnastic Centre at Unit 3 Dajen Business Park, also to the north and a Health Centre in Stirling House to the north.

Proposal

The application is for the change of use from a vacant workshop (Class B1, previous use as machinery plant and car repair workshop) to a place of worship and community centre (Class D2).

The proposal involves the retention of the existing envelope of the building but with slight modification of internal walls to create a worship hall with a stage and 135 seats, an ancillary (multi use hall), toilets and kitchen facilities. The ancillary hall will be open to the local community who are not necessarily members to hold meetings and hold functions.

The external fabric of the building will be retained and repaired with any new elements to match the original character of the industrial building. Acoustic suspended ceilings and wall insulation boards will be fitted throughout as part of the sound proofing proposals, to reduce the effect of noise from within the building.

Existing windows are to be retained, repaired and restored whilst new windows match in style, design and material.

The applicant EndTime Evangelical Church has a recent membership of 50 to 60 people. Proposed hours of usage are 9:00am to 22:00pm Mondays to Fridays; 9:00am to 23:00pm Saturdays and 10:00am to 22:00pm Sundays. The breakdown of uses is:

Sundays: 9:00 – 22:00 (Church service/ meetings)
Mondays: 9:00 – 17:00 (Admin office); 17:00 – 22:00 (Community use)
Tuesdays: 9:00 – 17:00 (Admin office); 17:00 – 22:00 (Community use)
Wednesdays: 9:00 – 17:00 (Admin office); 17:00 – 22:00 (Bible Study/ Community use)
Thursdays: 9:00 – 17:00 (Admin office); 17:00 – 22:00 (Community use)
Fridays: 9:00 – 17:00 (Admin office); 17:00 – 23:00 (Community use)
Saturdays: 9:00 – 23:00 (Choir Practice/ Community use)

In addition, to the applicant's car park to the north elevation of the building the main leaseholder of the whole of the block of industrial units have written a letter to confirm that they agree to offer the applicant the use of two areas of car parking owned by Spanesi Automotive Equipment Ltd: a car park noted as fronting units A and B at 33-37 Second Avenue and at 36 Second Avenue, within which Spanesi now occupy.

The applicants currently operate from 2E Luton Road in Chatham, which is the subject of ongoing enforcement action.

A supporting statement has been submitted along with additional reports comprising of Advice on Sound Insulation and a Contamination Risk Assessment.

Relevant Planning History

MC2006/0818 Rear of Unit C 33 - 37, Second Avenue, Chatham, Kent, ME4 5AY
Retrospective application for the insertion of two roller shutters and a door opening to the rear.
Approved 19.6.2006

MC2000/1165 33 - 37, Second Avenue, Chatham, Kent, ME4 5AY
Installation of extractor fan, approved, 26/10/00.
Approved 26.10.2000

Nearby non-confirming uses to B1 classification:

MC2003/2512 Unit 4, Dajen Business Park, Second Avenue, Chatham, Kent, ME4 5AU
Temporary change of use from light industrial to storage and leisure.
Approved 20.1.2004 (Temporary consent up to 20th January 2007 and personal to named applicant).

MC2006/0813 Unit 2, Dajen Business Park, Second Avenue, Chatham, Kent, ME4 5AU
Change of use to kick boxing and martial arts academy.
Approved 15.6.2006 (Temporary consent up to 30th June 2009 and personal to named applicant).

MC2006/0408 Unit 3, Dajen Business Park, Second Avenue, Chatham, Kent, ME4 5AU
Temporary change of use to storage and leisure activities.
Approved 15.6.2006 (Temporary consent up to 30th June 2009 and personal to named applicant).

MC2008/1009 Sterling House Second Avenue Luton Chatham ME4 5AU
Change of use from office (Class B1) to healthy living centre (Class D1), reconfiguration of car parking provision and ramped entrance access.
Approved 10.8.2008 (Temporary consent up to 4th August 2013 and personal to named applicant).

Representations

The application has been advertised on site and neighbour notification letters sent out to the owners/occupiers of 52 to 67 Durrell Gardens; Units 2, 3, 4, 5, 11g, 21g, 31g Dajen Business Park; Britannia House, 18 Second Avenue; Sterling House, Plastic Data Card, J Byrne Ltd, M.S.D. Cash and Carry, Zodiac Print Finishers all in Second Avenue; units 5, 31, 59 Second Avenue and Zeltek, 33-37 Second Avenue.

Letters of representation: 4 (from one household and three companies on the estate) letters of objection have been received on the following grounds:

Concerns over parking, especially since the NHS direct building has opened nearby patients park on Second Avenue due to insufficient off-street parking; and this has had a detrimental impact on adjacent businesses;

Concerns that the proposed use, will aggregate existing on-street car parking problems as not convinced enough off-street car parking is proposed especially when the hall capacity is considered.

Businesses in Second Avenue already experience vandalism and theft mainly in the evenings and weekends when businesses are closed. Concerned that the long opening hours of a community centre will increase this problem.

Concern over the noise that might be generated, especially at weekends and evenings when the Industrial estate is mostly closed for business with noise from pedestrians and vehicles leaving the premises.

National Planning Guidance

PPS1: Delivery and Sustainable Development
PPS1A: Planning System & General Principles
Draft PPS4: Industrial and commercial development and small firms
PPS23: Planning and Pollution Control
PPG24: Planning and noise

Development Plan Policies

Medway Local Plan 2003

Policy BNE1	(General Principals for Built Development)
Policy BNE2	(Amenity Considerations)
Policy BNE3	(Noise Standards)
Policy BNE7	(Access for all)
Policy BNE23	(Contaminated Land)
Policy ED1	(Existing Employment Sites)
Policy CF2	(New community facilities)
Policy T1	(Impact of New development on the Highway Network)
Policy T13	(Vehicle Parking Standards)

Regional Spatial Strategy – South East Plan, May 2009

Policies SP3, KTG1, CC1, CC6, S6, BE1, T1, T4

Policy SP3	(Urban Focus and Urban Renaissance)
Policy KTG1	(Core Strategy)
Policy CC1	Sustainable Development)
Policy CC6	(Sustainable Communities and Character of the Environment)
Policy S6	(Community Infrastructure)
Policy BE1	(Management for an Urban Renaissance)
Policy T1	(Manage and Invest)
Policy T4	(Parking)

Planning Appraisal

Having regard to the provision of the Development Plan, it is considered that the main issues arising from the proposal are as follows:

a) Matters of principle and impact upon the industrial centre,
b) Design and impact upon the street scene
c) Whether the proposal would cause harm to the amenities of the occupiers of nearby residential units/buildings.
d) Whether the proposal would prejudice highway safety and car parking implications.
e) Contamination issues.

Principle

The site is within an established employment area identified in the adopted Local Plan under Policy ED1 where there is a presumption in favour of light industrial development and offices (Class B1). The policy is quite strong in that the wording says that "only" Class B1 development will be permitted, as the Local Plan does not wish to see the loss of available existing B1 business floor space.

In this case the proposed use falls within Class D2 and as such would conflict with this policy.

Both the Council's Local Plan and Business Support Officers have raised concerns with regard to the loss of a unit available to be occupied by a B1 business. As part of the Local Development Framework process stakeholders have made it quite clear that the allocation and protection of such employment sites is of premium importance and the lack of such provision has been of critical note. The draft Economic Development Strategy 2009-12 highlights the shortage of suitable industrial sites in the area and the future need for intensification on these sites. Therefore in terms of the local plan policy the proposal should not be supported and should be refused. Regard must be had to the Local Plan and the need to retain industrial uses.

However there two significant material considerations that need to be explored prior to any recommendation and decision being made.

In the first case consideration needs to be given to the fact that there are a number of units that are standing empty in the industrial estate which suggests that of all Medway's industrial parks, Second Avenue is perhaps one of the least attractive to businesses owing to its size, location amongst residential properties and poor service to and from main roads.

The second consideration is the applicants' personal circumstances.

The applicants currently operate from 2E Luton Road in Chatham. There have been a number of noise complaints reported to Environmental Health about the use of this property and it is the subject of ongoing enforcement action.

The applicants have been searching for a suitable place of worship for their local Church and youth group (comprising of over 40 youths) for seven years. This is considered to be a vary important aspect of the Church's work, taking youngsters off the streets, teaching them musical instruments, computing, drama, art and design, beauty, revision for GCSE's, Sats, Eleven Plus and so on. In recognition of the value and importance of the application in

relation to its work and benefit to the community, and especially in what they offer the youth, ward councilors have suggested the applicant should find an alternative location for the Church, such as the application site.

The application premises was seen as a suitable location being sited within 200m of residential roads at the centre of a large urban population, which is the catchment served, close to the High Street and Bus links. Due to the nature of Luton with tightly packed Victorian terrace streets alternative locations have not been forthcoming with buildings not suitable for conversion. It has been advised that the application site is the only suitable premises that has been found to date that would be relatively close to their existing premises near Luton Arches and close to many members who live within walking distance or a few minutes bus ride.

Policy CF2 of the Local Plan permits new community facilities subject to their size and scale being appropriate to the site, the development having no detrimental impact to residential amenity, landscape or ecology and provided the site is accessible to the local population by a variety of means of transport. As set out above it is considered that the site is of a scale and size that is appropriate being only a conversion not a new build and that it is centrally located in the community for which it is proposed to serve and therefore is in accordance with this policy.

Over the last four year permissions have been granted for other non-industrial uses in this industrial estate (Kickboxing/ Martial Arts Academy; a gymnastics club and storage; and a Heath Centre) due to special circumstances of the applicants and the need in the community. All these were given temporary consents or personal permission in order to monitor the impact of the use.

Taking into account policy CF2, the value of the proposed D2 use along with the exceptional circumstances outlined above and that it is accepted that its continuance is a benefit for the area as a whole and should be supported, it is considered prudent to allow this proposed use on a temporary basis, in order for the Council to monitor the impact of the use and review the situation in the future.

A five year term has been recommended for the current application due to the timescales involved in finding an alternative location for the Church and Community Centre; the need to retain a valuable community facility which could fold if an alternative building is not found and enable the applicant to find an appropriate alternative site.

Therefore whilst the proposal does not accord with Policy ED1 of the Local Plan, it does accord with Policy CF2 and the proposal is considered justified and accepted in this regard.

Street Scene and Design

Policy BE1 of the Regional Spatial Strategy – Draft South East Plan, May 2009 and Policy BNE1 of the adopted Local Plan set out criteria for the assessment of proposals in terms of their impact on the built environment and design quality.

To make the building suitable for the proposed use some external alterations have been proposed. These relate to fenestration and blocking up existing windows. These are considered to be minor alterations in keeping with the building and character of the Industrial area. The proposal therefore complies with the above-mentioned Development Plan policies.

Impact on Amenities

The proposal falls to be assessed against Policies BNE2 of the adopted Local Plan, in terms of the impact of the proposal on the occupiers of neighbouring residential and commercial premises.

Whilst it is accepted that some conflict might arise due to non-conforming nature of this use with the industrial use of other units in this estate, it is considered that this would be very limited as it is expected that most attending the service would walk/cycle/use public transport in order to minimise potential conflict with service vehicles and parking for the industrial units.

It is further considered that as during the day, weekdays, that only the admin office would be generally used, with the community and worship usage occurring more from 17:00 onwards, its peak hours of use will coincide with times when adjoining industrial properties are less likely to be in operation and as such there would be less conflict between the users of the building and the adjacent industrial and commercial uses.

Concerns have been raised that the usage of the building into the late evening, may be a source of noise and disturbance to nearby residents, especially with the close proximity of dwellings in Durrell Gardens to the east of the site. However, with a closing time of 22:00 and 23:00 on a Friday (and these times can be conditioned), this would not be considered too late so as to warrant a refusal of planning permission. It is noted that the nearby gym and Martial Arts Academy operate at evenings and Saturdays and no objections refer to these uses creating a problem.

In addition, the applicant has submitted an acoustic report, which identifies the acoustically weak points of the building: walls and ceiling and recommends various measures to increase the sound insulation of the building. These measures are considered acceptable and would need to be in place before any amplified music is played on the premises and if the proposal was deemed to be acceptable in all other regards, a suitable condition would be considered appropriate.

It is considered that the proposed development will not adversely affect the amenities of the occupiers of the neighbouring residential properties and industrial units and accordingly no objection is raised to the application under the provisions of the cited Development Plan Policies.

Highways Impact, Traffic and Car Parking

In terms of car parking provision, Policy T13 of the adopted local Plan and T4 of the Regional Spatial Strategy –South East Plan, May 2009 set out parking standards (as maxima).

Policy T1 of the adopted Local Plan and T1 of the South East Plan deal with the impact of additional traffic caused by development and seek to ensure that the Highway network is adequate in terms of capacity and safety.

In relation to the recent previous use as an engineering workshop the current parking standards (as maxima) would allow the provision of a maximum of 21 car parking and 2 cycle spaces.

The proposed change of use allows the provision of a maximum of 27 car parking spaces associated with the Worship hall with 135 seats. However, there is a second hall, which is unseated and can also be used at the same time as the Worship space.

It is considered that the principal issue in this case is the effect of the proposal on the living conditions of neighbouring residents in terms of noise and general disturbance; along with inconvenience to users of the industrial estate should there be over spill car parking onto the estate road.

The applicants supporting statement states that the application site has the benefit of 60 off-street car parking spaces both within the application site and the adjoining unit, to which the applicant has rights of use. The application forms state that 20 car parking spaces exist on site, but that 30 are proposed, including 2 to 3 disability spaces and 5 cycle spaces. One larger vehicle space will be provided.

However, the applicant's premises only has the benefit of 8 – 10 car parking spaces associated with it, sited to its northern elevation. It is also noted that the applicant's have not included the neighbouring unit's car parking area within their red line of the application site and is also not notated by a blue line, which would indicate their ownership. So it is considered that the number of car parking spaces indicated on the submitted drawing (Y2K9/IKT/AR01) should not fall as part of the appraisal of the application as they cannot be guaranteed to be available at all times for the applicant's proposed usage.

However, not with standing the above, following further discussions with the applicant in order to resolve the car parking situation, they have submitted a letter from the main leaseholder of the whole of the block of industrial units to confirm that they agree to offer the applicant the use of two areas of car parking owned by Spanesi Automotive Equipment Ltd: a car park noted as fronting units A and B at 33-37 Second Avenue and at 36 Second Avenue, within which Spanesi now occupy.

It is considered that the use of the premises would not generate a significant level of traffic as indicated by the mainly admin use of the premises during weekdays and which could be conditioned if considered necessary.

However the proposed use of the building by a community use in the evenings and on Saturdays and Sundays and late on a Friday evening up to 23:00pm is likely to cause significant additional vehicular traffic to the premises, and at a time when public transport provision will be of a less frequent service at the later part of the evening, therefore necessitating the use of visitors own cars.

It is clear that the provision of 10 parking spaces falls some way short of the 29 spaces referred to in Medway Council's Parking Standards document and with only 8 to 10 legitimate car parking spaces available, there would be likely to be over spill car parking onto Second Avenue and this could be detrimental to highway safety and the free flow of traffic as well as the amenities of users of nearby industrial units and nearby residential properties.

However, there are a number of mitigating factors that need to be considered:

- Whilst Second Avenue contains industrial/office developments, it is located a short distance from a densely populated residential area. Pedestrian facilities from this area to the site are reasonable, with footways and a footpath offering acceptable and safe pedestrian connectivity. In addition to the fact that Luton is well connected in terms of

public transport provision.

- Second Avenue is a no-through road and therefore the number of vehicle movements, and traffic speeds, are low.
- Short-term kerbside parking is available on Second Avenue, including directly outside the application premises, which appears to take place currently on a regular basis.
- The accident database indicates that there is not a highway safety problem in the vicinity of the site, resulting from on-street parking or turning movements at private access points
- The number of representations received from local businesses in the vicinity of the site is low, and this would indicate that parking is not a significant issue of local concern.
- The fact that the applicant is able to utilise nearby car parks of adjacent business in the evenings and at weekends, which are times when these business are less likely to be in operation. An appropriate condition is considered prudent to ensure that such an arrangement with adjacent business is formalized into the applicant's leasing arrangements with the owner of the site, to reduce the potential to renegade on this agreement.

No highway objection is therefore raised and in car parking terms the proposal is therefore viewed as being acceptable, subject to the recommended conditions.

Site contamination

Due to the former use of the site as an engineering workshop there may be potential for contamination to be found on site.

This application has been supported by a desk top study, which concludes that there is low risk from contamination at this site. However the report does advise that with respect to limited surficial evidence of oil staining, this would appear to have been localised within the building and if planning permission is granted the applicant will need to ensure that all of the oil staining is removed from the floor prior to the final floor covering being installed. This has already been checked by the Council's Environmental Health Officer.

The Council's Environmental Health Officer confirms that the submitted report is acceptable but recommends a number of relevant conditions should, if during development, contamination previously not identified is found to be present.

The proposal as submitted is therefore conformity with Policy BNE23 of the Medway Local Plan 2003 and Planning Policy Statement 23: Planning and Pollution Control.

Recommendation and reasons for Approval

For the reasons for this recommendation for approval please see Planning Appraisal section and conclusions at the end of this report.

It is considered that the proposal would result in a form of development that would be in accordance with the policy which seek to encouraging community facilities, would maintain the character of the street scene and would not adversely affect the amenities of the occupiers of neighbouring properties.

The application is considered to be acceptable and in accordance with the provisions of Policies SP3, KTG1, CC1, CC6, S6, BE1, T1, T4 of the Regional Spatial Strategy – South East Plan, May 2009 and Policies BNE1, BNE2, BNE3, BNE7, BNE23, ED1, CF2, T1 and T13 of the adopted Local Plan and is accordingly recommended for approval.

[This application would normally fall to be considered under officers' delegated powers but has been reported for Members' consideration due to the number of representations received contrary to officers recommendation and at the request of the Development Control Manager due to the special circumstances of the applicant and due to the relevant policy designation of the surrounding area.]

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4 MC2009/0761

Date Received: 5th June 2009

Location: Mierscourt Primary School Silverspot Close Rainham Gillingham ME8 8JR

Proposal: Application under Regulation 3 of The Town and Country Planning General Regulations 1992 for a new nursery extension, replacing existing mobile nursery accomodation (resubmission of MC2009/0551)

Applicant: Miers Court Primary School Silverspot Close Rainham Kent ME8 8JR

Agent: Medway Council Building and Design Services Civic HQ Gun Wharf Chatham Kent ME4 4TU

Ward: Rainham South

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on 12th August 2009.

Recommendation - Approval with Conditions

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 Materials used on the construction of external surfaces of the extension herein approved shall match those used on the existing school building.

3 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

4 Two replacement trees shall be carried out in the first planting season following the first use of the extension to the building hereby approved. Any tree, which within 5 years of planting is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species, unless the Local Planning Authority gives written consent to any variation to this.

5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed means of enclosure; hard surfacing materials; external furniture, play equipment. Soft landscape works shall include any relevent planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.

6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

7 An updated school travel plan shall be developed in accordance with the timescale and action plan submitted as part of this planning application. The updated travel plan shall include a description of the proposed works and how this may impact on travel to school arrangements; the number of vehicles accessing the school grounds; reference to staff, pupils and visitors to the site using the Sure Start facilities and it shall be put into effect by March 2011 at the latest. Thereafter it shall be kept in use as altered where necessary by annual monitoring and review findings and consequent plan updates.

8 Prior to the commencement of the development hereby approved details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided on site prior to the first use of the extension hereby approved and shall be retained as such thereafter.

9 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

10 The hereby approved extension shall be used for the purpose of a day nursery business with a maximum of 5 staff and 24 pupils and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The Nursery use shall only operate between the hours of 08:00 to 18:00 weekdays and not at weekends.

11 The mobile unit the subject of this planning application shall be used for the purpose of Sure Start facilities in connection with Mierscourt school (and the applicant is reminded that this mobile unit only has a temporary consent up to 30 September 2011) and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The Sure Start facilities shall only operate between the hours of 08:00 to 18:00 weekdays and Saturdays only and activities shall be staggered so as not to clash with peak school drop-off and pick-up periods, such details of which shall be incorporated into the required updated School Travel Plan in condition No.7.

For the reasons for this recommendation for approval please see planning Appraisal section and conclusions at the end of this report.

Site Description

Mierscourt Primary School occupies a fairly large site, which is surrounded by houses to the north and west with rural land across Mierscourt Road to the east. The ground of the school is higher to the south lowering gently down to the north.

The School is a single storey complex with separate playgrounds and a large playing field, on the corner of Mierscourt Road, Harvesters Close and Silverspot Close from which vehicular access is gained. This access is on the brow of a hill and in-between two cul de sac junctions off Silverspot Close. A car park is located off the front school entrance adjacent and to the north of the application site.

The school buildings are typical of their time being mainly brick built, including large areas of windows with panelling below, and being flat roofed with a large wooden fascia.

Boundary treatment fronting Mierscourt Road and Silverspot Close is palisade fencing approximately 2 metres in height and painted dark green. There is also extensive tree and hedgerow planting approximately 3 metres in height behind the length of the Silverspot Close boundary, as well as numerous trees within the school grounds, including a row of conifers on a steep bank immediately in front of the application site.

There is no parking restrictions in place outside the school entrance.

There are currently two attached mobile classrooms located close to the front entrance of the school and to the north of the application.

Proposal

This application seeks Planning Permission under Regulation 3 of The Town and Country Planning General Regulations 1992 for the construction of a new purpose built permanent nursery attached to the west of the existing school. This will allow the existing nursery facility to be relocated from the existing mobile unit (to the north of the site) to the new build. The mobile will then be occupied by a Sure Start facility currently not available within the local area.

The new extension will be sited on an existing hard standing area and will incorporate an office, kitchen, store, toilets and internal play area of 100m2. It will have an overall length of 19.3 metres, depth of 8.4 metres, height of 3.1 metres to the roof apex. Fenestration and materials will match existing. Total floor area of 150m2. Two trees will be required to be removed to facilitate this development. Additional fencing will be required to enclose the proposed external play area associated with the nursery on an existing landscaped area, whilst there will also be access to the adjacent play area facility to the east and north of the main school building.

There are no plans for large amounts of external lighting on the extension, with minimum amount of lighting being provided (bulk head lights fitted onto the external walls of the new extension) as necessary to provide safe, visible access to and around the facilities during school and sure start hours.

Four key access issues revolve around the extension and Sure Start facility being:

a) Parent drop-off and pick up for pupils. This is managed through the secure main school reception.
b) Management of community access to the Nursery facilities separate from school facilities. Access to the Nursery will be managed through the secure Nursery entrance.
c) Access to the Sure Start Facility will be managed through the former Nursery Mobile.
d) Community access is managed through the secure main entrance to the school so as not to compromise the school play area.

The proposed development will use the same access arrangements as the school. However this will be managed by programming the community facilities so that:

- There is a doubling up in use: facilities are used by parents, for example, after dropping off or picking up their children at the school, and

- Programming Sure Start activities so they do not clash with peak school drop-off and pick-up periods.

The school opening and closing times are:

Main gates open, pupils arrive	8:40 to 9:00am
Pupils leave	3:15 to 3:30pm
After school club closes	4:30pm

25 car parking spaces exist on site. No additional car parking spaces are proposed.

Existing teaching staff numbers of 16 also remains unchanged, whilst the head teacher has confirmed that there are also 15 teaching assistants (three of which do not have a car) and at midday dinner ladies and after school hours a cleaner. The maximum number of school staff on the site at any one time is 31. The school caters for 377 pupils aged 4 to 11 years, although the capacity is for 409 pupils.

The existing private pre-school nursery (on site for 8 years) operates 8:00 to 18:00. It caters for a maximum of 24 children by 5 staff who share the school's car park. The relocation of the nursery from the mobile building to the new extension will have no impact on pupil or staff numbers. The nursery will remain as a private business and its function is different from the Sure Start facilities proposed, which are explained below.

The Sure Start Element

The mobile will be used as a Sure Start centre, being a facility for local people, who will be well within walking distance to the site.

The applicant's Supporting Planning Statement states the educational case and need for the Sure Start facility:

Sure Start is a cross-departmental unit of the Government launched in December 2002. It works with local authorities, local communities and voluntary and private sector organisations to deliver:

- The best start in life for every child;
- Better opportunities for parents;
- Affordable, good quality childcare;
- Stronger and safer communities;
- The Government's commitment to halve child poverty by 2010.

Medway's youngest residents are set to benefit from the introduction of many more Sure Start Children's Centres throughout Medway. A number have already been approved (MC2007/0713, MC2007/0915, MC2007/1145, MC2007/2295).

The purpose of the Sure Start Centre would be to serve the local community with a focus on services for very young children (0 to 5 years) and their parents/carers as an integral part of the schools role. The centre is led by the head teacher of the school and is staffed by people working directly for the school and others who are based elsewhere, for example health service workers, visiting mid wives, speech therapist. Some of the services provided will take place at the centre whereas others will take place elsewhere, such as other nearby schools, heath centres and at the homes of families.

The Sure Start Scheme would provide accommodation for information and advice for parents (through the main school reception facilities) whilst in the Mobile unit there will be drop-in and support services for parents and families, exclusively for local families with young children, for example weekly sessions from health visitors and midwives; story time session for toddlers; monthly benefits advice by Jobcentre plus.

An additional member of staff will be employed to coordinate family support services. The leaders of the regular weekly groups (health visitors) will not exceed three at any one time. The visitors to the regular weekly groups will not exceed around 20 parents/ carers at any

one time – many of which will be parents of children already at the Mierscourt School, and will be attending groups. All visitors will live within walking distance and car use will be strongly discouraged.

The majority of groups and sessions will occur within school opening hours. There will be very rare occasions when the sessions will take place out of school hours – consistent with the current operation of the Primary school, which provides a range of after-school activities for pupils, plus evening parents meetings, school performances etc.

The application includes supporting statements, a school travel plan (dated march 2006), and an Arboricultural Report comprising of a Tree Survey, an Arboricultural Impact Assessment, and Tree Protection Plan. Site contamination has also been considered along with sustainability principles, acoustic and noise impact assessment.

Relevant Planning History.

There have been many planning applications on this site, the most recent being:

MC2009/0551 Mierscourt Primary School Silverspot Close Rainham Gillingham ME8 8JR
Application under Regulation 3 of The Town and Country Planning General Regulations 1992 for a new nursery extension, replacing existing mobile nursery accommodation.
Withdrawn as scheme revised 2009.

MC2007/0911 Application under Regulation 3 of the Town and Country General Planning Regulations 1992 for construction of two class room extensions and covered play area.
Approved 19 July 2007

MC2006/1040 Application under Regulation 3 of the Town and Country General Planning Regulations 1992 for the erection of 2.1metre high fleur de lys security fencing.
Withdrawn.

MC2006/0909 Variation of condition 1 of planning consent MC2001/1122 (MC2000/0572 also refers) to extend the temporary consent for a further period of 5 years to 30 September 2011.
Approved 7.7.2006

MC2004/2433 Application under Regulation 3 of the Town and Country General Planning Regulations 1992 for the installation of 2.1 metre high security fencing and gates to section of school perimeter, and changes by entrance to provide a parents waiting area, adjacent to Mierscourt Road, Silverspot Close and adjacent to footpath linking Mierscourt Road with Wheatcroft Grove.
Approved 21.12.2004

MC2003/1244 Regulation 3 application for the erection of 2 covered canopies.
Approved 29.7.2003.

MC2002/2091 Application under Regulation 3 of The Town & Country Planning General Regulations 1992 for the construction of a single storey extension comprising three classrooms, glazed link and ancillary accommodation (south elevation) and adopted store (north elevation).
Approved 14.1.2003.

MC2001/1122 Application for a variation of condition 1 of permission MC2000/0572 for a pre-school nursery to extend the temporary consent for a further year to 30 September 2006.
Approved, 22nd August 2001.

MC2000/1365 Construction of library extension.
Approved 25th October 2000.

MC2000/0572 Siting of a mobile classroom for use as a pre-school nursery.
Approved 11th October 2000.

MC1999/5527 Erection of single storey IT extension.
Approved 13th September 1999.

94/0241 Siting of additional mobile classroom.
Approved 24th August 1994.

Representations

The application has been advertised on site and neighbour notification letters have been sent to the occupiers and owners of 1, 2, 5, 25, 26, 27, 28, 29, 30, 32, 33, 50, 51, 52, 53, 55, 91, 93 Silverspot Close, the Surgery 94 Silverspot Close and No.95 Silverspot Close; 2a to 2d, 4, 10, 14 Harvesters Close.

Letters of representation: 18 letters of objection (from 12 households) have been received on grounds of:

- Object on the grounds of insufficient car parking and that parents already indiscriminately park on the pavements obstructing the drives of local residents and block accesses to the small cul- de- sacs in Silverspot Close and Harvesters Close at certain times of the day, mainly 8:00 am to 9:15am and at 14:45pm to 15:45pm;
- The existence of the school is a problem to local residents with associated litter, and on-street car parking problems;
- The parents should be encouraged to walk their children to school;
- Concern that the nursery and Sure Start centre will involve additional staff and visitors and traffic generation to the site but with no provision of additional car parking in the school grounds consequent existing problems will be aggravated;
- Concerns over danger that all this on-street car parking causes to highway safety and especially in regard to the junction with Mierscourt Road where severe bottle necks of traffic occur and reference is made to a number of serious accidents in Mierscourt Road and the inability of ambulances to drive down local roads
- Object to the proposed extension on an area of playground and which is currently used by parents dropping off their children and then waiting for their children at the end of the day;

- Object to the extension and its play area as it will be nearer to dwellings and noise will be a nuisance along with visual intrusion;
- Concern that the new building will increase possible vandalism and anti-social crime at the school;
- The school should look at options of a different entrance onto their site, such as from Mierscourt Road, either and /or vehicular and pedestrian;
- Object to the fact that the mobile unit was originally only granted a temporary consent, and now it is to be used as a Sure Start Centre, what will happen after 2011 when the temporary planning permission expires;
- Consider that the submitted documentation is factually incorrect with reference to only 17 staff, as the school's website shows that there are an additional 16 Learning and cleaning staff, as well as the nursery and part time staff that have not been included in the figures which is considered to be nearer the 40 mark;
- As the school does not permit parents to enter the school for a health and safety reason, they cluster at the school entrance, concern that the introduction of a Sure Start facility will enable unrestricted access to the school grounds;
- A more appropriate location for the Sure Start facility should be found, such as Parkwood Green Health Centre;
- Object on the grounds that the site is located in a predominantly residential area where occupiers could reasonably expect a level of amenity and that the proposed development for a nursery and Sure Start centre together with the cumulative effect of previous developments at the school, is all too much in terms of noise, disturbance, nuisance and safety issues;
- A full survey and assessment of the current traffic and parking problems is required, along with a residents site meeting, preferably at 3:30pm on a weekday;
- Originally peak periods for traffic, parking and noise issues centred on only the basic school opening and closing times, however since the nursery opened as it has opening and closing times that are staggered from the main school, it has had a detrimental effect on residents as the parking and traffic issues now occur for much longer periods of time and this is aggregated by the early morning breakfast club at 7:45am;
- The School's own Travel Plan acknowledges that there is a car parking and traffic problem and many of the initiatives suggested in it have not been implemented and the plan has had very little impact;
- Due to the large number of visitors to the school site at certain times, the privacy of local residents has been compromised;
- The on going parental car parking reduces the available road width to the detriment of road safety;
- Object to any fencing around the new exterior play area, as it will be detrimentally visible to local residents;
- Concerned that as the location of the extension is on a steep slope that ground works will be required to level the site and no details of these have been provided*; (on site it was noticed that the extension will be built on an area of level ground adjacent to the main school building)*
- Object to the fact that no new additional car parking on the school grounds will be provided;
- Object to the loss of a current infant all weather playground, where will children play in bad weather; (*On site, the head showed the case officer various existing external areas where children can play and the Head considered that sufficient areas of all weather play ground will remain*)

- Parking problems also occur at weekends associated with local football teams using the school grounds;

National Planning Guidance

PPS1: Delivery and Sustainable Development
PPS1A: Planning System & General Principles
PPG17: Planning for Open Space, Sport and Recreation
PPS 23: Planning and Pollution Control.

Development Plan Policies

Medway Local Plan 2003

Policy BNE1	(General Principals for Built Development)
Policy BNE2	(Amenity Considerations)
Policy BNE7	(Access for all)
Policy BNE23	(Contaminated Land)
Policy BNE43	(Trees & Development Sites)
Policy L3	(Protection of Open Space)
Policy CF2	(New community facilities)
Policy T1	(Impact of New development on the Highway Network)
Policy T2	(Access to the Highway)
Policy T3	(Provision for Pedestrians)
Policy T4	(Cycle Facilities)
Policy T13	(Vehicle Parking Standards)
Policy T14	(Travel Plans required for new or expanded educational facilities)

Regional Spatial Strategy – Draft South East Plan, May 2009

Policy SP3	(Urban Focus and Urban Renaissance)
Policy KTG1	(Core Strategy)
Policy CC1	Sustainable Development)
Policy CC6	(Sustainable Communities and Character of the Environment)
Policy S3	(Education and Skills)
Policy S6	(Community Infrastructure)
Policy BE1	(Management for an Urban Renaissance)
Policy T1	(Manage and Invest)
Policy T4	(Parking)

Planning Appraisal

Having regard to the provision of the Development Plan, it is considered that the main issues arising from the proposal are as follows:

- Matters of principle
- Design and impact upon the street scene
- Impact on trees
- Car parking and highway implications.
- Contamination Issues

Principle

The site is located within an urban area therefore there is no overriding planning policy objection to its development.

Local Plan Policy CF2 and Policy S3 and S6 of the Draft South East Plan seek to encourage the development of community facilities, including education provided that these facilities are of an appropriate scale, have minimal impact on neighbouring amenity and are accessible by a variety of means of transport.

It is considered that given the proposed extension is to house a nursery which has already operated at the school premises for the last eight years and that the extension will be attached to an existing education facility that this element of the proposal is acceptable in principle.

Much of the school grounds are subject to Policy L3 of the MLP 2003, which relates to the protection of open space. The site for the proposed extension is not actually protected under policy L3 being an area of existing concrete play ground to the west of the main school building. Therefore there are no objections to the proposal in terms of policy L3.

The aims of the Sure Start Centre are also fully complaint with Governmental aims for sustainable communities as it will offer services to the local community.

It is noted that the mobile unit, proposed to be used as the Sure Start Centre was originally granted a temporary planning permission (MC2000/0572) to be used as a classroom by the Rainbow Preschool on 11th October 2000 until 30th September 2005. The permission was temporary due to the structure not being of a design that would be considered an acceptable permanent feature on the school grounds. This was renewed under MC2001/1122 for a further temporary consent up to 30th September 2006 and then again under MC2006/0909 up to 30th September 2011.

It is still considered that the principle of the mobile unit being a permanent fixture at the school grounds would not be ideal due to the materials used. However it has a renewed temporary consent up to 30th September 2011 and as such there is no in principal objection to the retention of the unit on the site, albeit for a different occupier. However it is considered prudent to remind the applicant by way of an appropriate condition that the mobile unit only has a temporary consent.

In view of the above, the principle of the proposed development is therefore considered acceptable and the acceptability of the application rests on matters of detail.

Street Scene and Design

Polices BNE1 of the adopted Local Plan and BE1 of the Draft South East Plan set out criteria for the assessment of proposals in terms of their impact on the built environment and design quality.

With regard to the continued use of the mobile unit for the Sure Start Centre no external alterations are proposed. The structure is vaguely visible from the street though due to the existing palisade fencing and the extensive planting fronting Silverspot Close and as it is painted green, it does not cause detrimental visual harm to the appearance of the street scene.

In terms of design at the school there is a range of single storey buildings at the school of varying design and size. The design of the temporary structure is not ideal due to the materials used and flat roof however it is considered satisfactory for a temporary period. Therefore the retention of the mobile unit for the Sure Start Centre will not harm the character of the school. As the planning permission for the mobile expires in 2011, a relevant condition and informative are considered prudent to remind the applicant of this fact and the need for a more permanent built form to be found as a solution.

Harvesters Close rises from east to west in the proximity of the application site in relation to the proposed extension to the main school building with the net effect that for much of its length the application site is set well below the level of Harvesters Close. There are a number of tall conifer trees to the north of the proposed extension along with a length of hedging and trees along the school boundaries fronting both Harvesters and Silverspot Close and to the rear of properties in Silverspot Close backing onto the school site.

Given the low level design of the proposed extension reflecting the style and character of buildings already on site, along with the sunken nature of the site and existence of boundary screening along both the Harvesters Close/Mierscourt Road and Silverspot frontages this will assist in ensuring that any visual impact on the street scene will be nominal.

Any visual impact on the adjacent properties in Harvesters Close and Silverspot Close to the west and south of the proposed extension will also be minor taking into account the orientation of these properties to the proposal, the existing tall tree and hedgerow planting to the rear of their gardens, low level design and set back of the proposed building from the boundary.

It is not anticipated that any associated fencing would cause a problem either for the same reasons, although a condition will require details of fencing to be submitted for approval in writing prior to its erection.

The extension will be constructed with materials and fenestration to reflect the main school building, which is built of red stock bricks, brown cladded roof. As the extension is a low level structure, designed to match in with the existing school it will blend in with the school.

In terms of design and appearance, the proposal complies with the above-mentioned Development Plan policies.

Trees

The proposed development would result in the loss of an existing Hornbeam and Whitebeam trees in front of the school, therefore the development needs to be considered in terms of Policy BNE43 of the Medway Local Plan 2003, which seeks to safeguard existing trees of merit when considering new development.

Whilst these trees are in a reasonable condition and do provide some screening to the existing school building it is considered that the loss of the two trees will not be of significant detriment to the character of the school site or the local area, particularly on a site such as this, which accommodates numerous trees of high amenity value. Their loss could also be mitigated through some new tree planting.

Subject to the replacement planting of the tree, which will be secured by condition (and to which the applicant has agreed to), the impact of the development on trees is considered acceptable.

Subject to the recommendations given in section 13 of the submitted Arboricultural report regarding tree protection during construction being applied, all subject trees shown for retention on the Tree Protection Plan can be successfully retained within the development proposals. Relevant tree protection conditions are therefore recommended.

In these circumstances the development is considered acceptable with regard to the advice given the above-mentioned Development Plan policies.

Impact on Amenities

Policies BNE1 and BNE2 of the adopted Local Plan seek to ensure that the amenities of existing residents are safeguarded. It is considered that the principal issue in this case is the effect of the proposal on the living conditions of neighbouring residents in terms of noise and general disturbance.

The closest neighbours are those living at the houses to the west in Silverspot Close and at Harvesters Close to the south.

Due to the siting of the mobile unit away from any nearby dwellings, its size and existing boundary treatment it will not cause detrimental impact in terms of outlook, daylight, sunlight or privacy.

Due to the distance of the proposed nursery extension from 94 Silverspot Close by 12 metres and by 23 metres from the properties in Harvesters Close, it is not considered that the extension or any associated fencing will have any adverse impact on neighbours by way of loss of privacy, loss of light or overbearing impact caused by the proposed development.

It is noted that the applicants advise that the proposed relocation of the existing nursery from the mobile unit into the school extension will not bring any increase in staff or pupil numbers.

The concerns of local residents are acknowledged, however, common to many schools around Medway, the existing parking problems that occur at peak times are not unusual to Mierscourt School and it is considered that the introduction of a Sure Start facility at the school will not exacerbate this existing situation.

The site is already a primary school and many of the people using the new facility are already likely to be visiting the site to drop off and pick up their children.

The Sure Start drop in and support services will result in further shared trips to the school by existing parents (that is a significant proportion of parents will already be visiting the school and nursery), a smaller percentage of parents with pre-school children as well as some

additional visitors, such as mid wives and health visitors. Based on the experience gained from other Sure Start facilities, approximately 70% of users will be families who already have a connection with the school and will already be visiting the school or nursery.

One additional member of staff will be employed to coordinate family support services. The leaders of the regular weekly groups (health visitors) will not exceed three at any one time. The visitors to the regular weekly groups will not exceed around 20 parents/ carers at any one time. The Sure Start facility will not be permanently staffed.

The nature of the Sure Start facilities and floor area available will mean that the facilities are self limiting in that only one group can operate at any one time, for example one group may cater for a maximum of 15 parents and their children, whilst the next group may be a midwife holding a class for 5 babies and their parents.

In addition, to which the applicant has agreed that visitors to the Sure Start facilities can be staggered so as to avoid the peak school arrival and leaving times, and this is something that can be tied in to an updated School Travel Plan (and secured by condition).

With regard to noise and disturbance to local residents, in the context of the existing school use of the site (there are currently approximately 31 staff and 377 children, plus 5 staff and 24 children at the existing nursery equating to a maximum total of 36 employees on the school site at any one time) it is not considered that the additional Sure Start facilities will create unacceptable levels of additional noise and disturbance to neighbours. The main use of the facilities will obviously be during the school day rather than in the evenings or at weekends and the existing staff car park is considered adequate to deal with this continuing staff level.

It is noticed that there is a substantial tree and hedgerow screen along the school's boundaries, which assists in ameliorating any noise.

In amenity terms the proposal is therefore viewed as being acceptable and complies with the cited Development Plan Policies.

Highways Impact, Traffic and Car Parking

In terms of car parking provision, Policies T4 of the Draft South East Plan, and T13 of the adopted local Plan set out parking standards (as maxima).

Policy T1 of the Draft South East Plan, and Policies T1 and T2 of the adopted Local Plan deal with the impact of additional traffic caused by development and seek to ensure that the Highway network is adequate in terms of capacity and safety.

Policies CC1 and CC6 of the Draft South East Plan seek measures to promote sustainable development. This can include measures to reduce reliance on the use of cars.

Policy T14 of the Medway Local Plan encourages the widespread use of Travel Plans for business and schools. This is something that Medway actively encourages and supports and Medway's Safer Journeys Team offer support and advice for schools to develop their Travel plans.

The Council's adopted parking standards specify maximum parking provision for schools of 1 space per member of staff plus a drop off area. The school and nursery together currently has a maximum of 36 staff on site at any one time and no more are proposed.

The school currently operates below the maximum standard with only 25 car parking spaces (a difference of minus 11), and at the time of the case officers site visit during the day (mid morning, 10:00am), most of these spaces were fully occupied (except four which were vacant).

The case officer undertook two site visits, one at approx 15:00 to 15:30pm on a school day where it was seen that there were very many cars parked on surrounding roads and in particular in Silverspot Close as well as clusters of parents waiting around the school gates.

A second site visit was undertaken at 10:00 am on a school day and it was noticed that both Silverspot Close and the adjacent roads were clear of traffic.

Therefore officers do acknowledge and are fully aware of the current problems experienced by residents and consideration must be given as to whether the scheme now being put forward will exacerbate that problem to any material degree.

The application is partly for a new building to house a nursery (which currently resides in the existing mobile unit) and therefore this facility could be considered existing and currently deals with its own parking demands. There is no planned increase in staff or pupil role associated with the nursery and this can be conditioned to that effect.

As far as the Sure Start centre is concerned it is noted that 1 member of staff is required for the coordination of the Sure Start facilities and a maximum of 3 health visitors could be on-site at any one time. Users of this facility would be locals and as such it would not attract additional vehicular movement to the site.

Although the Sure Start facilities will also generate trips outside the core times, mainly within the school day, at these times the pressure on the local highways is much reduced and so there are unlikely to be any significant problems. The hours of use of these drop-in style facilities are likely to be during the day and not in the evenings when there should be parking available on these local roads.

On balance it is not considered that this development at would result in a significant increase in traffic detrimental to highway safety. On the whole, despite the large number of residents' objections (particularly regarding increase in cars and lack of parking) it is considered that it would be difficult to justify refusal of this application on highways grounds.

It is also noted that the Council's Transport Planner had confirmed that there has only been one reported police traffic accident in three years, and this was in 2007. It is not considered that the nearby roads are dangerous to highway safety. It is further noted that the problem of access for ambulances etc is no different from the situation of any local roads around all schools in Medway.

The request of local residents for consideration of another vehicular and pedestrian access to the school from Mierscourt Road has also been considered. However, as this is faster local distributor road, it would not be acceptable to encourage on-street parking on this road, in addition to which there would be added concerns of the security of children whilst on school grounds.

It is not envisaged that there is a requirement to increase the amount of available car parking spaces. To do this would sacrifice areas of green landscape, and which is a particular attractive feature of the school providing health and visual amenity benefits. The fundamental uses of the site (school and nursery) are already functioning and the relocation of the nursery and the provision of Sure Start facilities will not impact on existing car parking available for staff.

However, it is considered appropriate in line with Government Guidance and sustainability, to encourage the provision of secure covered cycle spaces and an appropriate condition is recommended to that effect.

As part of the submission, the school has submitted a School Travel Plan (dated March 2006), which sets out a timescale and action plan up to 2011 to encourage the increase in the number of children walking and cycling to school by 2011.

In regard to the schools existing car parking/ traffic problems, mainly highlighted via letters of representations, it is considered that a condition should be put on any consent granted to the effect that the school is required to update their previous School Travel Plan in association with Medway Council's School Travel Plan Advisor to ensure that the school is managing travel to the site as far as practicably possible to reduce the number of cars being driven to the site.

As already stated the school is also willing to accommodate local residents as much as possible (and it is noted that the Sure Start facility is to serve local residents) and has agreed that visitors to the Sure Start facilities can be staggered so as to avoid the peak school arrival and leaving times, and this is something that can be tied in to an updated School Travel Plan (and secured by condition).

In terms of school travel initiatives, the Council's School Travel Plan Officer also confirms that the school is fairly proactive and has participated in the following:

- **Zigzag Banner campaign** [March - May 2009] Initiative designed to alleviate congestion at the school entrance.

- **Walk to School Month** [October 2008] Mierscourt participated in a challenge day and came 5th overall in Medway, with 82% of the entire school walking [268 pupils]. This is a huge improvement from the 61% the school achieved in 2005 Walk to School Week [as stated in their travel plan].

- **Bikeability** [2008] The school participated in this scheme last year as another means of encouraging sustainable travel.

Although the frustration of local residents is appreciated, the suggestion by residents that the School Travel Plan initiatives have had very little impact is not a fair comment. However, whilst there is room for more improvement, the School is actively taking steps to achieve the sustainable travel aims highlighted within their travel plan as well as the Council's Travel Plan.

In summary, subject to conditions mentioned above, the traffic and parking impacts of the development are therefore considered acceptable including with regard to the advice given in Policies T1, T2, T3, T4, T13 and T14 of the Local Plan and policies T1, T4, CC1, CC6 of the Draft South East Plan.

Site contamination

The applicant has considered contamination as part of their planning application and has found no potential sources of contamination present at the site. The information submitted by the applicant, is considered acceptable. However, a condition is recommended in case any contamination is found during construction.

The proposal as submitted is therefore complainant with Policy BNE23 of the Medway Local Plan 2003 and Planning Policy Statement 23: Planning and Pollution Control.

Recommendation and reasons for Approval

For the reasons for this recommendation for approval please see Planning Appraisal section and conclusions at the end of this report.

It is considered that the proposal would result in a form of development that would be in accordance with policies which seeks to encourage community facilities, would maintain the character of the street scene and the school building, and would not adversely affect the amenities of the occupiers of neighbouring properties.

The application is considered to be acceptable in accordance with the provisions of Policies SP3, KTG1, CC1, CC6, S3, S6, BE1, T1 and T4 of the Regional Spatial Strategy – Draft South East Plan, May 2009 and Policies BNE1, BNE2, BNE7, BNE23, BNE43, L3, CF2, T1, T2, T3, T4, T13 and T14 of the adopted Local Plan and is accordingly recommended for approval.

[This application would normally fall to be considered under officers' delegated powers but has been reported for Members' consideration due to the number of representations received contrary to officers recommendation; and at the request of Councilor Doe as he would like members to consider the parking issue in relation to the scheme being proposed.]

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5 MC2009/0460

Date Received: 9th April 2009

Location: Land at Globe Lane, Military Road and at the Paddock, Chatham Kent

Proposal: Construction of dynamic bus station and new public space together with associated highways, drainage and landscaping works

Applicant: Medway Council Civic Headquarters Gun Wharf Dock Road Chatham Kent ME4 4TR

Agent: Mr Ellingham Alliance Planning 14-15 Halifax House Frederick Road Edgbaston Birmingham B15 1JD

Ward: River

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on 12th August 2009.

Recommendation – Approval with Conditions:-

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 Details and samples of any materials to be used externally including details on the type and thickness of the glass and details of the surrounding fixings in the bus shelters and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details and thereafter maintained.

3 Information on the construction details of the shelters at an appropriate scale shall be submitted to and agreed in writing by the Local Planning Authority before the development is commenced and development shall be carried out in accordance with the approved details and thereafter maintained.

4 Notwithstanding the approved plans no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels of contours; means of enclosure, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. interpretation boards and signage, external furniture, refuse or other storage units, signs); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc). Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and

plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use of any part of the development as a bus station or in accordance with the programme agreed with the Local Planning Authority.

5 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

6 Prior to the commencement of the development hereby permitted, a construction code of practice that describes measures to control noise and dust impacts arising from the construction phase of the development shall be submitted and approved in writing by the Local Planning Authority and shall be implemented as approved unless otherwise agreed in writing.

7 No external lighting shall be installed for the bus station hereby permitted unless it has been approved in writing by the Local Planning Authority, including approval of hours of use and intensity and direction of illumination to take account of appropriate guidance.

8 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority showing measures to protect retained trees from damage during construction works and servicing ducts. These measures shall comply with BS5837:2005. The approved measures shall be installed prior to the commencement of development or the bringing onto site of any plant, materials or other equipment in connection with the development, and shall be maintained until development is complete and all plant, materials and other equipment have been removed from the site.

9 Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority showing the proposed site compound/storage area. The compound/storage area shall then be provided and used in accordance with the approved details for the duration of the construction perios unless otherwise agreed in writing.

10 No tree felling or vegetation clearance in connection with this development shall be undertaken within the bird-breeding season of March to August (inclusive) unless otherwise agreed in writing by the Local Planning Authority. Should tree felling or vegetation clearance be agreed within the bird breeding period, a check (by a qualified person/group agreed in writing in advance by the local planning authority) for the presence of breeding birds shall be carried out no more than 24 hours prior to the felling or clearance, and felling or clearance shall not be undertaken if breeding birds are found to be present.

11 Prior to the felling or removal of any mature tree, an inspection (by a qualified person/group agreed in writing in advance by the local planning authority) shall be undertaken to establish whether the tree is used for bat roosts. Should bat roosts be found, then an equivalent number of bat boxes shall be installed in a suitable

location agreed in writing by the Local Planning Authority close to the site of the removed tree prior to its removal.

12 Prior to the commencement of the development, details of on site wheel cleaning/washing facilities shall be submitted to and approved in writing by the Local Planning Authority. Such approved facilities shall be provided on site prior to the commencement of development and retained on site, and used, for the duration of the construction period, unless otherwise first agreed in writing by the Local Planning Authority.

13 Prior to commencement of the development information on the location of the driver's and management facilities, including a CCTV room, server room staff room and plant room shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained.

14 Prior to commencement of the development, a traffic management plan for the operation of the DBF shall be submitted to and approved in writing by the Local Planning Authority. The Traffic Management Plan shall include details of measures to restrict vehicular access to the site to buses, coaches, taxis, emergency vehicles and maintenance and service vehicles enforcement and speed management strategy and an access management plan for Medway Street, Globe Lane car park and Sir John Hawkins Way. The approved Traffic Management Plan shall thereafter be implemented upon first use of the development as a bus station and and reviewed as agreed by the Local Planning Authority for a minimum period of 5 years following first of the site as a bus station.

15 Prior to commencement of any development on the site, details of the access and egress arrangements for the Globe Lane car park, including measures to prevent left-turns on to Globe Lane, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being brought into use as a bus station or to an alternative timescale agreed by the Local Planning Authority, and thereafter retained; unless otherwise agreed in writing with the Local Planning Authority.

16 Prior to commencement of the development, details of all pedestrian crossing facilities within the site, to include pedestrian priority measures and the means by which pedestrians will be guided towards the intended crossing points and protected from vehicles emerging from the bus stands, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be constructed and available for use prior to first use of the development as a bus station and thereafter retained; unless otherwise agreed in writing with the Local Planning Authority.

17 Prior to commencement of the development, details of the northbound exit slip road on to Dock Road, to include a pedestrian footpath along its northern edge, shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved unless otherwise agreed in writing.

18 Prior to commencement of the development, details of all passenger information displays within the Dynamic Bus Facility shall be submitted to and approved in writing by the Local Planning Authority

19 Prior to the development being brought into use details of cycle facilities within the site and on the adjoining public highway, including infrastructure to support the amendment to National Cycle Route 1 on Medway Street and the provision of satisfactory connections between this route and the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle facilities and infrastructure shall be implemented prior to first use of the development as a bus station or to an alternative timescale agreed by the Local Planning Authority, and thereafter retained.

20 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 21 to 24 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 24 has been complied with in relation to that contamination.

21 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

22 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to

commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

23 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development as a bus station.

24 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 21, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 22, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 22 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 23.

25 No development shall take place until details of foundation designs and any other proposals involving below ground excavation (including proposed service ducting) have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

26 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
ii. following on from the evaluation, any reasonable safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

27 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording of structures of archeological importance in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

For the reasons for this recommendation for approval please see planning appraisal section and conclusions at the end of this report.

Site Description

The site is bounded to the north-west by Globe Lane and to the south-east by Military Road. The north-eastern extent of the site is bounded by The Brook and Dock Road. The site extends a short distance north-west of Globe Lane, encompassing an area occupied by part of the Globe Lane car park along with two 19th century detached buildings set amongst trees and designated open space. The south-western extent of the site is defined by a short strip of road linking Military Road to a junction between Globe Lane, Medway Street and Sir John Hawkins Way. The site also includes an area of land known as The Paddock which is a rectangular area of parkland of approx 130m by 30m (0.39ha), most of which lies to the south of the site. The Paddock has a number of mature trees located on it amongst an area of soft landscaping with a series of paths dissecting it. This land currently functions as a large traffic island. To the east of the site is The Pentagon Shopping Centre and the main retail core of Chatham. To the north is the Grade II listed building of the Brook Theatre. The western part of the site falls within the proposed Chatham Maritime World Heritage Site Boundary.

Two buildings are located on the site – The Whitehouse and Riverside Rooms. The Whitehouse is located to the north of the site and is a two-storey office building formally used as officers accommodation relating to the former use of the site as an ordnance facility. The upper floor is occupied by Relate and Marriage Care and some of the ground floor rooms are vacant. The Riverside Rooms is a single storey community building to the west of the site and is occupied by Age Concern.

The Brompton Lines Conservation Area abuts the western boundary of the site with the Fort Amerhurst Scheduled Ancient Monument located approx. 200m to the north west of the site.

Proposal

The application seeks consent for the construction of a dynamic bus station and new public space together with associated highways, drainage and landscaping works. The proposed dynamic bus facility is intended to replace the existing severely substandard Pentagon bus station and forms part of a wider programme of regeneration proposals for Chatham town centre.

The proposed bus station will comprise of six platforms with a total of 16 bus stands, approximately 63m across by 95m as measured from stand to stand. The shelters are arranged in a three rows. The roofs of the bus shelters have been described as folded leaves set on top of large glass sides. The shelters have been designed with entrances located at each end of the platforms, which have no doors but are able to be closed off through the use of shutters to secure the shelters out of hours when they are not in use. To the front of the shelters the doors to the buses will be controlled automatically when the bus arrives and is stationary.

The station will operate in a dynamic format through the use of real time information. Bus services using the station will generally depart from the same platform and passengers will be directed to the appropriate stand through the use of electronic signage information. Information screens will be provided in the waiting areas and a dedicated information centre will be provided in one of the shelters to the south east of the site and close to the main pedestrian access to the Pentagon Centre. The information centre will provide details of travel services and ticket sales for users at the bus station. It is proposed to locate cycle parking to the front of the information centre.

Due to the proximity of the site to the toilets in the Pentagon Centre no toilets have been proposed on site. The Pentagon toilets are to benefit from a substantial investment to bring them up to modern day standards and will continue to be available during normal shopping hours. Public toilets do not require planning consent, but a toilet will be provided for use outside shopping hours on the waterfront and within the bus facility itself. These toilets will be available 24 hours a day.

The bus station itself does not cater for long distance coach operators, instead such services could drop off/pick up from stands in Sir John Hawkins Way should they be introduced in the future this would cover services such as National Express and also holiday coach operators.

Areas of public space are proposed to the area in front of The Pentagon Centre and adjacent to The Brook Theatre. A sculpture is proposed for the space to the front of the Brook Theatre. Informal seating is proposed on the raised walls on the remaining part of The Paddock.

The proposed development will realign Globe Lane and a new vehicular “in-out” arrangement to the Globe Lane car park will be created at the corner of Medway Street and Globe Lane to ensure that cars do not have access to the bus facility. The application will also remove traffic from the northern part of Military Road enabling its use as a pedestrian area.

The current ramps to the bus station above the Pentagon will be demolished and landscaped in accordance with a scheme to be agreed at a later date with the Local Planning Authority.

The taxi awaiting area outside Sainsbury’s access to the Pentagon will remain but will be accessed from The Brook instead of Military Road as at present.

The proposal involves the demolition of the Riverside Rooms. The current plans show the retention of the Whitehouse. The Whitehouse was proposed to be converted into an administration building serving the proposed bus station with driver’s and management facilities, including a CCTV room, server room staff room and plant room. No information on the replacement of these facilities has been provided and if the application is approved it is recommended that a condition is imposed to ensure that these facilities are provided in a suitable manner. In the interim drivers facilities will continue to be provided as at present inside the Pentagon Shopping Centre.

Lighting columns are proposed for the site at 10m in height to improve the safety and security of passengers. Lights are proposed along the pedestrian routes/public spaces and on the platform buildings.

CCTV cameras are proposed to be installed to monitor the operations and activities within the proposed bus station and the public open space and will be linked back to the Council Control room.

The bus facility will be operated by Medway Council and be available for all bus operators to use – not just the main operator Arriva.

Relevant Planning History

Land at Globe Lane, Military Road and at The Paddock, Chatham, Kent

MC2008/1460 Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 - request for a screening opinion as to the requirement for an Environmental Impact Assessment (EIA) to accompany a planning application for the construction of a dynamic bus facility
EIA not required 19 September 2008

Pentagon Shopping Centre, Chatham Kent

MC2006/1296 Town and Country Planning (EIA) Regulations 1999 for a screening opinion to determine the need for an environmental statement to accompany a planning application for proposed refurbishment and extension of the Pentagon Shopping Centre
EIA is required 31 July 2006

MC2006/1736 Town and Country Planning (EIA) Regulations 1999 - request for a scoping opinion for the contents of an environmental statement to be submitted with an application for proposed refurbishment and extension of the Pentagon shopping centre
17 October 2006

Representations

Letters have been sent to: EDF Energy, English Heritage, Kent County Constabulary, Kent County Council Archaeologist, Kent Wildlife Trust, Natural England, Southern Gas Networks, Southern Water, The Open Spaces Society, Environment Agency, Richard Watts Charity, Fire Safety Service.

Neighbour notification letters have also been sent to Ground floor Pentagon Centre: Co-op Bank, BSM, Supercuts, Samanthas, Peacocks, Post Office, The Works, Blue Inc, Select, Ann Summers, Early Learning Centre, New Look, Warren James, T-Mobile, Vodaphone, JD, Carphone Warehouse, O2, Ernest Jones, Burtons/Dorothy Perkins, Shakin' Shakes, Card Factory, Body Shop, 3 Store, Stead and Simpson, Bay, W H Smith, Superdrug, Boots, Café Grill Room, Foot Locker, Orange, Birthdays, Claires, Game, Fragrance Shop, Wilkinson, B'Wise, Sainsburys, Etiquette Dry Cleaners, Subway, Bakers Oven, Azuri, Lenas Jewellery, Guardian Jewellery Co., BB's Coffee and Muffin, No. 1 Gifts, Koolphones.com, Sky, Crystal Flower and Accessories, Miss NJIE Ltd, Cool Cones, Snack Shack, Latinos. Pentagon Upper Floor: M and J Travel Accessories, Just Fabrics, Stars, Image Centre, Chatham Chinese Herbal Centre, La Villa Café, Kings Church Medway, Esquires, D & A Toys, Timpson, Arriva, NDa Clothing, Café Sinatra, Present Times.

Military Road: Alton Ashby Solicitors, Fitness First, Robinson Michael and Jackson, Red Menswear, Adecco, William Hill, Greyfox, Your Move, Yorkshire Building Society, H Samuel, Halifax, Blueberry Park, Ward & Partners, Chatham Snooker Club, Money Shop, Connect Personnel Ltd, Mountbatten House.

Medway Street: William James Used Cars, Coombes of Medway, Times of Medway, Barton Car Sales, Mobile Music, BBC Radio Kent, Kent Cooling Direct, Weaverings, Piggys, The T-Shirt Shop, Print Buzz, Barneys of Chatham, Age Concern, Marriage Care, Relate Marriage Guidance.

The Brook: Army Careers, The Brook Theatre, Churchills Pub, Brook House, Job Centre.

The application has been advertised on site and in the press. The application has also been reported in the local press.

16 letters from 15 households have been received relating to:

- Destruction of the majority of the remaining green space in Chatham is detrimental to the well being of the local people
- There are plenty of spaces for this facility that would not lead to the destruction of the open space
- Ancient trees are loved by the citizens of Medway, the Council should be protecting any green space we have as part of its “green lung” in Medway
- Only redeeming feature in the grey architectural landscape of Chatham are the red chestnut trees – in flower that are aching beautiful – they are irreplaceable and should be retained at all costs
- Bus shelters will be vandalised and look like hell
- Loss of assembly area and leisure of nearly 164 square metres
- Consultation with residents etc. about the proposed siting showed 69% were opposed to locating the bus station at The Paddock with less than a quarter (23%) being supportive. Even with those that were supportive a number stated their support was conditional on the open space being replaces elsewhere and trees being retained or replaced. The greatest proportion of people opposing a bus station at The Paddock (around half) were concerned about the removal of the trees and the loss of open space.
- Medway Council is meant to serve residents and not bus operators/owners of buildings like the Pentagon.
- Better place for the bus station would be next to the railway station where an integrated public transport system would be easy to achieve
- Trees absorb poisons from the air pollution in Chatham. If they are cut down they must be replaced
- Concerns about pedestrian safety crossing the bus lanes
- Chatham regeneration should not lead to the destruction of its most attractive feature
- One of the principle aims of the regeneration project in Chatham is to open up the riverside to the town – the proposed bus station will provide a physical barrier between the riverside and the town centre, thus undermining the rationale for much of the Chatham town centre regeneration project. It will discourage and hamper safe pedestrian movement between the town centre and the riverside
- Errors in the supporting documents – Section 5.14 of document Med 2844 Open Space Statement refers to The Paddock as inaccessible to all members of the community – this is not correct the area is accessible via paths which do not involve

steps
- Errors in the supporting documents – Section 4.11 of document Med 2844 Open Space Statement says that safety is poor and site is underused – the site has no safety problems at all and is very well used
- No provision made for toilets
- More sensible to upgrade the Pentagon Centre Bus station
- Public opinion has been ignored or dismissed as unimportant with regard to the location of the bus station
- Use of The Paddock as a bus station is contrary to the intention in the local Plan (policy L3)
- The manner and content of the planning application is tendentious and factually incorrect
- Contrary to the Development Strategy agreed in 2004, which is the reason for the Councils closure of the John Hawkins flyover and Globe Lane. The intention was to open up the riverfront by enabling access from the Pentagon to the riverfront. This proposal severs the Pentagon Centre from the river front
- Noise and air assessments are not robust – traffic counts were not carried out in 2007 in the Gibraltar Hill area
- Plans of limited use, do not show any directions of travel
- Concern over how the less agile (parents with children, prams, buggies and older people with sticks etc) will fare when the bus stands are dynamic and chopping and changing and will only be identified as the bus approaches the station – the fittest and strongest will arrive first when the opposite is desirable
- The whole community will be much poorer if central Chatham is denied its special feature of outstanding mature trees.

Frindsbury and Wainscott Community Association have written with the following:-

- Design and layout generally impractical.
- Deplore the destruction of 22 mature trees. Chatham has little to commend it at present and the Paddock and the trees are the one redeeming feature.
- Proposed ideas for directing the buses are completely unacceptable and ill-conceived. No allowances have been made for the elderly, young mothers or anyone with mobility problems. Also there appears to be no shelter where people can wait.
- We regret whole-heartedly the ignoring of public opinion in this matter.

Southern Water have written stating:- No objection

Age Concern have written asking what the purpose of informing a tenant of Medway Council was and whether they have been specifically sent a letter or part of a letter drop. They are also seeking an extension on the timescale in which to respond – During a telephone conversation on 1 May 2009 they were advised of how the Council consults; an extension to the timescale was also agreed. No further representations have been received.

Open Spaces Society have written with the following comments:

- This Central Chatham “gem” is the only notable green space which gives relief from the dense urban complex of bricks and mortar and glass
- The site is special for the public “passing through” by paths by grass and trees and providing built seats in addition, sheltered in sun by the trees which are of size to feature as monument sin themselves

- Difficult to pin down the precise details of trees which will be adversely affected
- At the nearest estimate it seems that of trees rated “desirable for retention”, eighteen would be lost on land between The Globe and Pentagon Buildings which comprises The Paddock, and eleven would be lost on the river side of the Globe which comprise the old Library – a total of 29 mature trees including a number of red chestnut trees particularly popular with the public. It amounts to a veritable slaughter, which even a generous quota of newly-planted trees can do little to mitigate for generations yet come

Natural England have written with no comments on the proposal

Kent Police have written with the following comments:

- The Design and access statements demonstrate slightly limited information on how Crime prevention measures have been considered in the design of the proposal or how details incorporated relate to ongoing or potential Crime or disorder issues within the locality and the relationship between these and measures proposed and this slightly restricts my observations.
- Similarly whilst reference is made to many aspects of planning and Development guidance and policies there does not appear to be any mention of Medway Local plan 2003 policy BNE8 Security and Personal safety being utilised within the assessment process.
- CCTV – note the proposed incorporation of CCTV, which appears to be relayed to a room within the refurbished Whitehouse where it may be monitored. Management and monitoring arrangements are not clear from the documents provided.
- CCTV can have a significant beneficial impact on reducing, deterring or detecting criminal activity particularly when utilised with other co-ordinated measures such as lighting, surveillance and similar. Should the bus station not be operational at all times or the CCTV not monitored on all occasions opportunity for crime could increase as there may be no one to monitor, identify or summon appropriate response to wrongdoing and its benefit may be greatly diminished.
- The services of a specialist CCTV contractor should be utilised to design an appropriate scheme that may potentially require a mix of both static and PTZ (pan tilt zoom cameras) that are capable of providing images of evidential quality in all light conditions.
- The Design brief indicates CCTV will be installed to monitor operations and activities within the proposed Bus station and public open space and the incorporation of cameras within the information centre and individual platform buildings is further suggested. If the CCTV could be linked to an Audio warning system this may enhance its effectiveness and prevent wrongdoing. Similarly if the CCTV cannot be monitored 24 hours a day by on site staff it is suggested that consideration be given to linking the system into Medway councils existing CCTV network in order that it can be monitored and responded to from one central location and will form part of the wider Community safety network of cameras. The use of Section 106 agreements may assist.
- Lighting - The proposed lighting design and layout should support natural surveillance and the operation of CCTV and should not be restricted by trees, shrubs or other landscaping, an integrated and co-ordinated approach particularly between lighting and CCTV that work together is suggested.
- Lighting that is evenly and uniformly distributed and covers all publicly accessible space can assist to deter or detect criminal activity and reduce the fear or perception of crime. The use of vandal resistant light units at lower, accessible or more vulnerable

locations may be necessary.

- Bus stand/Platform design – note the incorporation of significant Glazed aspects to the buildings. It is recommended that glazing here be laminated glass minimum 7.5mm. This will withstand potential damage better and in the event of impact or explosion could minimise shattering, flying shards of glass and thereby reduce casualties. (Please refer to Kent Police Counter Terrorism advisor comments incorporated within this report for specific detail).
- Note that much of the roofing proposed will be clad in copper and at some points will return to the Ground floor level. It may be worthwhile exercising caution here as whilst this may be aesthetically pleasing metal, materials such as this (and lead) can be vulnerable to attempted theft, and the varying and often increasing commodity prices of these valuable metals can make them attractive targets for criminals. Nationally theft of metals such as these has intermittently been increasing at locations such as schools, churches and commercial buildings. Likewise blank expanses of such at easily accessible levels may reduce surveillance slightly or may attract graffiti.
- Whitehouse Building - it is recommended that a central station monitored alarm system is incorporated to this building, to give earliest notification of potential unauthorised access, criminal attempt or similar.
- Northeast and Northwest elevations incorporate Railings/gates and these are indicated to be set back within the existing arched opening. It is recommended that recessed areas within these openings are avoided or limited to a maximum 600mm deep to reduce opportunity for congregation, damage or forced access. If the railings could be situated as close to the front build line as possible and not set back this may assist.
- Suitably robust access control should be deployed within the building to ensure unauthorised persons cannot access internal spaces or secure areas, such as CCTV room or staff locker areas.
- Information centre – it is recommended that a central station monitored alarm system is incorporated to this building, to give the earliest notification of potential unauthorised access, criminal attempt or similar. Panic alarm buttons are also suggested for the sales area.
- Incorporation or subscription to the Safer Medway Partnership which in part will provide communication link to other retailers, Council CCTV monitoring or Police in Medway may assist in reducing opportunity for crime or antisocial behaviour and improve safety or Security for users of the proposed facilities.
- Vehicular Access – Care will need to be exercised in the design, layout and signage, and the Bus station consistently monitored to ensure that unauthorised vehicles or general traffic does not utilise the bus station and its routes/permeability as a cut through or unofficial drop off point. Easy accessibility by unauthorised traffic may increase highway safety issues, could impact on the efficiency of Bus services or cause confrontation.

- It will also be important to ensure that vehicles accessing the downsized Globe lane car park are clearly directed to this and do not inadvertently drive into the confines of the Bus station. Consideration should also be given to the strategic placement of bollards or vehicle restrictive devices around the 6 platforms, external pedestrian waiting points and greenspace to prevent or deter the encroachment of vehicles onto these points or up to build lines.

- Landscaping – Any planting/landscaping should be designed in conjunction with the CCTV and Lighting proposed and also the need to maximise natural surveillance opportunities both into and out of the Bus station. It is suggested that shrubs and ground covering plants are maintained below a maximum growth height of 1 metre, whilst trees have canopies raised above 2.2 metres to assist maintain a clear field of vision around the site.
- Similarly trees should not shroud lighting columns and diminish lighting levels. Hard landscaping and Street furnishing must be robust, securely fixed to prevent removal, vandalism or use as potential ammunition. A suitable management and maintenance programme will be required to ensure planting is well maintained and any repairs or remedial works are carried out promptly.
- Pentagon centre access ramps – Robust and secure gating is recommended to ensure that the potentially redundant vehicular access Ramps/routes into the former first floor Bus station around the perimeter of the Pentagon centre cannot afford unrestricted access to vehicles or pedestrians.
- Additionally (subject to Fire regulations and similar) any pedestrian links from the Pentagon shopping area internally, or the shopper parking areas may need to be secured. If not suitably restricted the area could become a point for antisocial behaviour, car racing, rough sleepers or similar.
- Terrorism –The international terrorist threat to the UK is currently assessed by the Joint Terrorism Analysis (JTAC) to be “Severe”. This is the second highest level of threat and means that an attack, which could occur without warning, is highly likely.
- Crowded places remain attractive for international terrorists because they are (typically) a soft target that enables the terrorists to easily pursue their aim of high impact, mass casualty attacks.
- Attacks by international terrorists are most likely to involve the use of improvised explosive devices, of which the three main types are- person borne (suicide devices on the person), vehicle borne (which may be suicide devices) or hand delivered (non-suicide devices initiated typically by timer or remote control).
- Security Services data states that “95% of the injuries from a terrorist bomb are caused by flying glass” (also known as secondary fragmentation). Given that at peak periods this will be a highly crowded public place, which has, buildings made predominantly from glass it would be wise to look at the type of glazing used. Particularly, as transport was the target of the 7/7, 21/7 London Bombings and the Glasgow Airport bomb.
- The minimum overall thickness of laminated glass classed as ‘blast resistant’ is 7.5mm, including a minimum polyvinylbutryal (pvb) interlayer thickness of 1.5mm. The laminated glass should be fixed in a frame designed to withstand the bending effects of a static load of 7kN per square metre over the complete area of the glazing and frame. The fixings of rebates to the frame and of frame to the structure should be designed to withstand a line load of 20kN per metre of perimeter.
- These loads are broadly applicable, for nominal design without factors of safety, to most glazing systems incorporating 7.5mm laminated glass, but are based on requirements for panes of about a 2 square metre area. The loads should be factored up by 50% to match the increased blast resistance of smaller windows of about 1 square metre. The line load for fixings may be factored down by 25% to 15kN per metre of perimeter for windows of about 4 square metres overall area; but the 7kN per square metre should not be significantly reduced when designing the frames of large glazing systems.

- Panes with an edge dimension of 1m or more should be provided with a frame having

a glazing rebate of at least 35mm giving a bearing of 30mm. Greater protection may be provided by setting the pane in double-sided adhesive security glazing tape or ideally bonded in sealant.

- Other factors that would reduce the stations' vulnerability to a terrorist attack include-

    - Reducing the number of places where a device could be concealed e.g. making sure that grit boxes are flush with the building line and secured or sealed with tamper evident labels.
    - Ensure that cycle racks/storage are positioned away from bus stands, waiting areas, entrances, platforms and large windows.
    - Make sure the keys to lockers are controlled by the operator so that they can be searched in the even of a bomb threat.
    - Board or seal up voids e.g. under vending machines
    - Ensuring all non public areas are access controlled
    - Toilet facilities should be designed to minimise the areas for concealment.

Arriva the main bus operators in Medway have written with the following comments:-

- Writing to support the application.
- Current Pentagon Bus Station is now outdated and no longer fit for purpose as a transport hub for Chatham. Accessibility is poor, especially in the evenings, the dark atmosphere can be threatening and operationally it is difficult to manage.
- Chatham needs an attractive and effective transport facility which is able to cope with both current and future demands.
- Proposed bus station will allow a bus corridor to be created with east-west bus routes, allowing simplification of junction movements at either end of Best Street.
- Without a system of effective allocation of services to bus stops, the planned station size would not be sufficient for future bus services in the town centre.
- Vital there are adequate facilities for both passengers and staff on the new site.

Kent County Council Archaeological Officer has written with the following comments:

- There are a number of complex and sensitive historic environment issues relating to the scheme. Comments will generally be limited to the implications of the scheme on buried archaeological remains and on the undesignated structures, which are proposed for demolition and/or conversion.
- The application site is centred on the roads of Globe Lane and Military Road and the area of open land, known as The Paddock, which they define. The site also includes part of a parcel of land to the west of Globe Lane, which is the site of the former New Gun Wharf. These roads and open-spaces are important to our understanding of the development of the modern-day town of Chatham especially given their position at the interface between former military and civilian areas.
- Globe Lane is the earliest of these components to develop, its alignment being clearly shown on an early map of the area dated 1633. On this map the settlement of Chatham is shown as having two distinct foci. The earliest settlement is probably that focussed on the Church of St Mary, which sits on a spur of high-ground overlooking the valley of The Brook (or Old Bourne River) and the Medway. The second area of early settlement flanks the major road-route of the period, which ran along higher ground to the south-west side of the Brook Valley. The two were linked by a causeway, known as the *Land Wall*, over the marshy ground at the mouth of the valley. The *Land Wall* not only acted as a road across the marshy ground but also as a

flood defence. To the west between the causeway and the Medway were a pair of mill-ponds which fed a tidal mill. The mill buildings themselves are believed to have been located just to the north of the present application site. Globe Lane is the modern representation of the road, which ran along the *Land Wall* and can be shown to date back at least 400 years.

- Military Road is a far more recent creation, although is equally significant. Military Road, as its name suggests, was constructed as a defendable route by the military to connect Fort Amherst with Fort Pitt via the (now demolished) Gibraltar Tower. The defences of Fort Amherst (a Scheduled Monument and an integral part of the proposed World Heritage Site) commanded this route and were designed to allow the guns of the fort to be able to fire down the road. Military Road and Globe Lane run parallel through the present application site and originally crossed the Barrier Ditch to the north by two separate drawbridges. The lower (Globe Lane) crossing connected with Dock Road and was one of the principal routes to the dockyards whilst the upper crossing (Military Road) led directly to Fort Amherst.
- The Paddock as an open space was therefore a creation of these two parallel roads. Initially The Paddock was used as a pound for construction materials used for building works on the Chatham Lines. Later it was leased for grazing before being converted to public gardens to provide an appropriate setting for Chatham Town Hall (now the Brook Theatre and a Listed Building). The Paddock is identified in the Kent Gardens Compendium as being a Historic Park or Garden of specialist interest.
- As noted above the area to the west of Globe Lane was originally the site of two mill-ponds (fed by tidal waters and The Brook) associated with a tidal mill, believed to have been located just to the north of the present application site. The mill building itself was demolished at the time of the construction of the first mid-eighteenth century Chatham Lines. Part of the mill-pond seems to have been reclaimed for the creation of a defensive outwork spanning the original gateway through the defences whilst the remainder of the millpond appears to have reverted to marshland.
- Further reclamation in the area to the west of Globe Lane occurred *c.* 1810 when the New Gun Wharf was created as an extension to the earlier Gun Wharf which had now outgrown its site. The New Gun Wharf was surrounded by a high boundary wall (now demolished) and as well as the wharfs themselves the site contained offices, warehouses, an internal tramway and other ancillary buildings. The White House and the smaller building (proposed for demolition) both relate to the use of the site as an ordnance facility – the former being used for officer's accommodation and the latter likely an office building.

- In summary the specific presently identified potential of the development site relates to:

    1. Buried remains of the medieval *Land Wall* and earlier street deposits associated with the development of Globe Lane

    2. Well preserved and waterlogged remains associated with the former mill-ponds, tidal and water management systems and potentially earlier unrecorded mill-buildings. The deliberately in-filled former mill-ponds may contain significant and interesting deposits.

    3. Remains, especially in the northern part of the development site near The White House, relating to the early defences of Chatham dockyard. Such

remains are potentially of national significance. A plan of the Ordnance Wharf area dated 1763 shows a bastioned outwork flanking the road to the dockyard, which appears to extend into the application site.

4. Deposits associated with the construction of Military Road and its earliest surfaces.

5. Buried remains of the former New Gun Wharf, including former buildings, tramways and other walls and surfaces. As well as upstanding surviving buildings belonging to the former ordnance facility.

6. Deeply buried palaeoenvironmental deposits associated with the development of the River Medway and The Brook (Old Bourne).

- It is clear that the site has the potential to include important buried archaeological remains from a number of periods. The planning application included a Cultural Heritage Statement produced by Wessex Archaeology. This document has provided a reasonable assessment of most of the issues highlighted above but has not sufficiently assessed the potential for remains associated with the early mid-eighteenth century dockyard defences (point 3 above). The *Kent Historic Town Survey* archaeological assessment document for Chatham places the application site as lying in a Zone 2 Urban Archaeological Zone. Zone 2 is defined in the *Kent & Medway Structure Plan 2006: Supplementary Planning Guidance (SPG3) – Archaeology in Historic Towns* as being "Areas of known archaeological potential where clarification of the nature of this potential is required". The application site lies immediately adjacent to an area classed as being Zone 1 where archaeological deposits of national significance are known to survive.
- Buried and earthwork remains associated with the early dockyard defences are potentially of national importance and we need to ensure that we have a thorough assessment of this aspect. Planning Policy Guidance Note 16: *Archaeology & Planning* (DoE 1990) highlights the fact that archaeological remains are finite and that presumption should be in favour of their preservation *in situ*. I am concerned that if nationally important remains are present on site that there is not sufficient flexibility in the present design to allow for their preservation. As such, I would strongly recommend that in accordance with Planning Policy Guidance Note 16: *Archaeology & Planning* (DoE 1990) the application for development on this site should not be determined until it is accompanied by an archaeological assessment sufficient to allow informed decisions to be taken about the safeguarding and/or investigating of any important archaeological remains that may be present.
- Initially I would see this assessment taking the form of further desk-based study providing a thorough and comprehensive assessment of the site's potential for archaeological remains associated with the early dockyard defences. This would include a robust map regression exercise, documentary research and a detailed site inspection. Following the results of this archaeological assessment it may prove necessary to undertake limited trial trenching prior to the determination of the planning application.
- At present I would suggest that the other impacts of the development on the presently identified archaeological potential of the site (1, 2, 4, 5 & 6 above) could be dealt with through appropriately worded planning conditions. With regard to the loss of the historic street pattern, I have briefly outlined above how these streets have contributed to the development of this part of Chatham. They continue to be valuable to our understanding of the development of the town and provide a positive contribution to

the historic character and environment of the town and provide part of the context of the candidate World Heritage Site. I understand that English Heritage will be providing you with more detail on this aspect, however in general I suggest that we would prefer to see the alignment of these streets retained. If this is not possible then careful consideration should be given to the design of the new bus facility to ensure the legibility of the historic street pattern, including in views from the Scheduled Monument of Fort Amherst.

Following receipt of further information Kent County Council Archaeological Officer has given the following comments:

- Further to my earlier letter of 20 May 2009, I have recently received a copy of an Archaeological Impact Assessment relating to the proposals to form a new Dynamic Bus Facility at Chatham. This is an additional report by Wessex Archaeology Heritage and forms an addendum to the Cultural Heritage Statement previously submitted. As per my earlier letter I am generally limiting my comments to the implications of the scheme on buried archaeological remains and on the undesignated buildings which are proposed for demolition and/or conversion. However as you are aware there are a number of complex issues relating to the wider Historic Environment, including the loss of historic street pattern, the effects of the development on our ability to read and understand the physical development of Chatham, and the impacts on the setting of nearby Scheduled Ancient Monuments. English Heritage will take the lead on these aspects and have already provided you with advice in this respect. I would note however that we fully support the comments which they have made.
- One of the specific aims of the additional report by WA Heritage was to consider the potential impact of the proposed scheme on sub-surface remains associated with a pre-nineteenth century ravelin which is shown on contemporary mapping and formed part of the landward defences of Chatham Dockyard. A map of 1763 shows that a substantial bastioned outwork formed part of the defences here and map analysis suggests that this would seem to have extended into the north-west corner of the present site. Should buried remains associated with this outwork survive at the site these would be of national importance and we would want to see them preserved *in situ*.
- The WA Heritage report notes that the current nature and land-use of the site as well as the presence of services means that archaeological evaluation of this potential prior to determination of the application could not be readily achieved. I therefore advise, providing the applicant can confirm that there is sufficient flexibility in the scheme to allow such important archaeological remains to be preserved *in situ*, that the mitigation of the archaeological potential of the site can be secured through carefully worded conditions. As such, if the council is minded to grant permission for the scheme, I recommend that a number of conditions to secure evaluation, mitigation and recording of archaeological remains as well as recording of the undesignated buildings proposed for demolition and conversion would be appropriate.
- Conditions have been suggested

English Heritage have written with the following comments:-

- This proposal has been discussed several times with your colleagues at Medway Renaissance, both in the context of the Chatham Town Centre and Waterfront SPD and the public consultation on the location of a new bus station. We responded to the latter in November 2007 and much of what we then said still stands. We requested

pre-application discussion of the bus station proposal but this has not proved possible to any meaningful extent.

- The history and significance of this part of Chatham town centre has been the subject of considerable study. Some of this was in the context of the adopted SPD but also included work for your council by Oxford Archaeology on the subject of the Gunwharf and my own research into Chatham Lines and their relation to the civilian town. This gave rise to my paper on *The Evolution of The Paddock* (further copy enclosed).
- The application site does not have a specific historic environment designation but this does not mean that such issues are not relevant to the planning application. The site lies in close proximity to Brompton Lines Conservation Area that encompasses the Chatham Lines and most of Gunwharf. Views into or out from the conservation area are relevant in terms of setting. Similarly Chatham Lines as the major artillery fortifications to the dockyard are a scheduled monument (Kent Mon No 201). The setting of the scheduled monument at Fort Amherst is relevant, as is that to the scheduled part of the Barrier Ditch (Nat Mon No 36201 01) west of Dock Road. This area includes probable remains of the first mid 18th century defensive lines. The former Town Hall (Brook Theatre) at Chatham is listed grade II and again there are issues for its setting. The Paddock was previously part of an early 20th century civic scheme that included the town hall and was made into a public garden as a result. Finally were World Heritage Site status to be granted to Chatham the site would be within its proposed buffer zone but not the core site.
- In terms of undesignated heritage assets the application site is best described as significant. My paper on the historic evolution of The Paddock provides a summary and has been drawn upon by the Heritage Statement submitted with the application. It is the road network created by the present day Globe Lane and Military Road that defines the shape of The Paddock and accounts for its existence. These roads are historic in their own right. Globe Lane represents the modern version of a road that probably dates back to late medieval times when Chatham as a town had two concentrations of houses. One was around the parish church and the other was focussed on what is now Chatham High Street and the route from Rochester. The land between these was the marshy bottom of the valley and this was largely undeveloped save for a watermill and its pond (based on the earliest reliable map of 1633). A causeway is thought to have connected the two parts of the town and it is this that is represented by the line of Globe Lane as a feature referred to as the Land Wall. When the dockyard was relocated in the early 17th century to its present location the road on the Land Wall was the main route to it and the Gunwharf and this was maintained at the expense of the Navy Board, who even contemplated making it a toll road when used by Chatham's then residents.
- The line represented by Globe Lane is thus old and has at least 400 years of use. This road continued in use despite the very major changes brought about by the re-fortification of Chatham dockyard in the early 19th century under the threat of invasion by France. Revision of Fort Amherst created the Barrier Ditch as we know it today and with it two crossing points with drawbridges. The lower crossing is represented by modern day Dock Road as a continuation of Globe Lane and the upper crossing to Amherst gatehouse was formed by a new road that is now Barrier Road and Military Road. Military Road is an apt name indeed as the new route connected Fort Amherst to Fort Pitt via a road controlled by a guardhouse at the point where the New Road crosses on a bridge (original structure now demolished). This road was commanded by guns located in Fort Amherst. As with so much of the history of Chatham as a town the layout of the growing settlement in the early 19th century was dictated by military needs and planning. Encroachment by civil uses into the field of fire of Fort Amherst

was prevented. Meanwhile the Old Gunwharf had outgrown its site and an expanded facility was created (as New Gunwharf) c 1810 on the western side of Globe Lane. Most buildings and the high boundary wall of this site were demolished after WW II but buried archaeological remains of the ordnance use are to be expected, together perhaps with the evidence for the expansion of shops and houses in Chatham town centre which grew up tight to the boundary. The White House and one other smaller building (Riverside Rooms) relate to ordnance use of the site, the former being a residence for officers. New Gunwharf took in land that had been part of the outworks to the earliest (mid 18th century) version of the Chatham Lines and some evidence for this may remain in the earthwork topography or as buried remains.

- The Paddock as an open space was thus created by military road planning. Globe Lane can be shown to have at least 400 years of use whilst Military Road and The Paddock itself have 200 years of existence. Originally used as a timber pound The Paddock was then let as grazing. As Chatham expanded throughout the 19th century the physical constraints of the high ground, the river and military ownerships forced the town to grow into the low marshy ground. After the 1815 peace, the town could eventually be permitted to encroach ever closer to Fort Amherst and the Gunwharf until the valley bottom was largely built up. This development preserved the historic military road network and culminated in the new town hall and the conversion of The Paddock into public gardens as evidence of Chatham's then civic pride. Other buildings such as the former Royal Marines School (now the army recruiting office) and the pub next to the town hall confirm the aspirations for good quality architecture. More recent changes have been less kind to the historic character of Chatham town centre, notably the construction of The Pentagon Centre and treatment of The Paddock itself. The essential elements of the historic town planning do however survive.
- To sum up this part of our advice we can ascribe significant heritage values to the application site. It is illustrative of the processes that have shaped Chatham as a place under the strong influence of over 400 years service as a garrison town. The story is of a road network and spaces created as an inherent part of the large scale military planning and the adaptation of these under civilian influence and the rapid growth of Chatham as a town during the 19th and early 20th century. The site thus represents the past tensions between the civil and military authorities. As yet unexplored archaeological potential exists as evidential value to possibly reveal the very origins of Chatham as a town before it was ever a dockyard, the impact that naval use first had on that place and the physical remains of military uses, particularly by the Ordnance Board. In taking forward the future of this part of Chatham we consider it necessary that these heritage values are considered and that the fundamental elements that shaped the town are taken into account.
- The application is for the construction of a *Dynamic Bus Station* and new public space. The most significant new structures are the six platforms and pavilions and the most significant change to the existing road network is the creation of a realigned Globe Lane to the west of its present location in land that was formerly the New Gunwharf. Riverside Rooms is proposed for demolition under this process but the White House would be retained. The existing route of Globe Lane would become part of the bus station with two of the six structures being located on its eastern side, something that requires land take from the existing space of The Paddock. Much of The Paddock would survive as landscaped public space and the line of Military Road will be preserved as a pedestrian route.
- In assessing the consequences of the proposed development English Heritage notes that planning permission alone is required and no form of heritage consent. The

scheduled monument west of Dock Road is close to being included in the application (see enclosed map). Were it to be directly affected then scheduled monument consent would be required. PPGs 15 and 16 provide advice as to how to take account of historic environment issues relevant to the planning application and in particular to the need to have regard for the setting of scheduled monuments, listed buildings and conservation areas. PPG 16 also has advice on treatment of buried archaeological remains.

- In coming to our advice we have been mindful of the adopted Chatham Town Centre and Waterfront SPD as a significant factor. We trust that it can be taken as read that Chatham deserves fully modernised public transport facilities as part of its regeneration. We do not object in principle to some use of The Paddock area for bus putting down and picking up and the area has performed this function in the past. We do question whether it is right to devote such an amount of space to this function, particularly when in our view this runs the risk of making it much harder to appreciate the historic influences that shaped the town centre. Whilst accepting the need for a regenerated waterfront and town centre to be well served by public transport we continue to believe that a more fitting location for an integrated multi modal transport system would be adjacent to the railway station.
- Our response must now focus on how the heritage values identified above are affected by the proposals and the extent to which policy guidance has been taken account of by the proposal.
- Though not in the Brompton Lines Conservation Area the application site has a close historic relationship to the Chatham fortifications as represented by the conservation area and scheduled monuments. This has been described above. The historic streets of Globe Lane and Military Road and The Paddock as the space these define are very much part of the story of how Chatham developed and the ability to understand both the fortifications and the town and their interrelationship is significantly diminished by the current proposals. The planning statement makes reference to views to the conservation area from the site but places much less emphasis on the views out from Fort Amherst and the conservation area. It is from the high ground that the historic relationships become clear and the nature of the existing road network can be appreciated. Guns in Fort Amherst are aligned to cover the area of the application site i.e. the former military road network.
- The bus station proposal is in our opinion harmful to what is significant about the historic environment of this part of Chatham largely as a result of it obscuring the historic road network and the spaces this creates. In particular the construction of four pavilions and a new road to the west of the historic line of Globe Lane is problematic. It reduces the historic line of Globe Lane to being just part of a larger entity containing the bus station. Similarly on the east side of the site, whilst we can appreciate that the line of Military Road is maintained as a pedestrian route, we are concerned that the former function of this as a principal road of Chatham town centre could be obscured. In both instances we suggest that if your council is minded to accept the broad thrust of the bus station proposals that further consideration be given to the treatment of the existing alignments of Globe Lane and Military Road in terms of landscape treatment and materials. It would be best that both of these historic roads are legible as former streets, in particular when looked at from the high parts of Fort Amherst.
- The current view of the site from Fort Amherst (and to a lesser degree the Gunwharf) is of a series of green public spaces traversed by roads. The green nature of riverside gardens is of relatively recent origin, the result of the demolition of much of Gunwharf. Historically this was in military use behind a high boundary wall. The Paddock as an open green space is a genuinely older creation with 200 years of existence. Loss of a

significant proportion of this is therefore highly regrettable. The Paddock provides part of the setting to the listed former town hall and was previously laid out for public use as part of this. The proposals have some impact on the setting of the listed building but on balance we think the landscaping as indicated could enhance the immediate surrounds to the building. The Barrier Ditch west of Dock Road is separately scheduled to the remainder of the Chatham Lines but is part of this great complex of fortifications. The green space south of the Riverside One building is important to the setting of the scheduled monument and may also contain elements of the earlier defences as buried remains or earthworks. We are satisfied that the setting of the Barrier Ditch scheduled monument will not be significantly harmed providing there is no reduction in the grassed area NE of the White House but there is a potential impact on remains of the earlier defences (see below).

- We understand the design intent to create a bus station that takes the form of a new public square in which the pavilion buildings are located. If this must be the location for the main bus station we can support an intention to achieve a result that feels like a quality pedestrian friendly public space that is also used by buses. The result should not be an area dominated by buses. We understand that soft landscaping is intended to be a major part of this new public space, even though the total amount of hard elements of roadway and buildings is significantly increased from the present position. We think that the relationship of the bus station to the future of the Globe Lane car park is critical to the success of the area but we understand why it cannot be brought forward as part of this application. The east-west route through the new bus station for pedestrians is clearly a key element of the proposal. We think it will only work if this is genuinely a shared surface in which pedestrians have priority. Clutter of signs and barriers must be avoided in order to create such priority and we note the intention to reinforce priorities by the landscaping treatment. This will need to be carefully balanced against any revised treatment designed to emphasise the historic alignment of Globe Lane. We do not propose to comment in detail on the design of the new pavilions but we can observe that these will be visible from the upper areas of Fort Amherst and the proposed enhanced access under the Great Lines Heritage Park project. We note that the intention is to create an interesting roof form and to soften the possible dominance of these roofs through a copper material that will be green in appearance.
- Turning to the consequences of the proposals for undesignated heritage assets we can confirm that the Wessex Archaeology Heritage Statement is an appropriate analysis of the historic development of the site. It draws heavily on my own work, which I shared with its authors. It would have been helpful for the report to have included as figures the footprint of the proposed bus station superimposed on the historic mapping. From these it would be immediately obvious that any buried remains of structures (buildings and boundary walls) of part of the New Gunwharf will be impacted upon by the proposals. There is also some potential for remains associated with the Land Wall and other parts of the historic road network. It is not clear from the application how significant such an impact might be as detailed information of levels, services and foundations for new buildings is lacking. This will need to be confirmed as part of the mitigation strategy as recommended by the archaeological consultant.
- It would have been preferable to have seen the results of archaeological evaluation in advance of determining a planning application. The constraints of working with a still active road network are however recognised. We consider that should your council be minded to support this application, the issue of archaeological mitigation can be dealt with by planning condition. Kent CC archaeologists are best placed to advise you on a precise wording for this but it is essential that the next step is a programme of evaluation to include some trial trenching. It should not be assumed that all

archaeological remains will be of a character such that under PPG 16 preservation by record will be the appropriate response. There should be provision in any planning condition for the safeguarding of important archaeological remains, including preservation of these in situ, even if this was to require redesign of elements of the bus station wherever practical.

- Leading on from the above statement there is a part of the site where the archaeological potential is not yet clear. The White House is to be retained but the grassed area to its south and east will be taken for one of the pavilions and the realigned Globe Lane. Map evidence of the first design of the Chatham Lines from 1755 confirms a large outwork in this general location and the south west parts of this may lie in the part of the site that is identified for significant ground disturbance. The past use of the land in question has been complex, not least with the construction of the White House, and it is not clear whether there are earthwork remains of the outwork or if this might exist as buried remains. Since this could have important implications for the layout of the north eastern realigned Globe Lane exit from the bus station we think that earthwork survey and a possible trial trench should be carried out as soon as possible to clarify the level of impact and an appropriate response.
- The White House will survive as the last standing Ordnance Board building of New Gunwharf. Riverside Rooms which is another unlisted building from this period of use will be demolished. This should not be permitted to take place until a programme of building recording has been secured and this should require a planning condition. Given the nature of the building such recording need not be a major exercise.
- Recommendation – English Heritage believes that the bus station proposals are harmful to the historic environment of this part of Chatham and we therefore cannot support the application.
- If your council is satisfied that this is the most appropriate location for this scale of facility then we consider that the harm to the historic environment should be carefully weighed against the positive benefits that the proposal is stated to deliver. The application should not be approved unless demonstrable benefits significantly outweigh the harm. Notwithstanding this, should your council be minded to approve this application we recommend that this should only be in the context of further measures to mitigate the harm to the historic environment. These should include consideration to design changes in order to reinforce the legibility of the historic street pattern as it passes through a new bus station and archaeological recording of buildings and archaeological remains that would be lost to such a development. An archaeological mitigation strategy is required that must be based on further evaluation of the impacts and which must permit where practicable the physical preservation in situ of archaeological remains that are not appropriate for preservation by record.
- We would be pleased to advise further on any aspect relevant to the historic environment and this would include any proposed revisions to the scheme. In any event we expect to continue to offer you archaeological advice about this application.

Development Plan Policies

The following Central Government guidance is relevant:

PPS1	(Delivering Sustainable Development)
PPS6	(Planning for Town Centres)
PPS9	(Biodiversity and Geological Conservation)
PPG13	(Transport)

PPG15	(Planning and the Historic Environment)
PPG16	(Archaeology and Planning)
PPG17	(Planning for Open Space, Sport and Recreation)
PPG23	(Planning and Pollution Control)
PPG24	(Planning and Noise)
PPG25	(Development and Flood Risk)

South East plan 2009

Policy T1	(Manage and Invest)
Policy T2	(Mobility Management)
Policy T5	(Travel Plans and Advice)
Policy BE1	(Management for an Urban Renaissance)
Policy BE6	(Management of the Historic Environment)
Policy NRM4	(Sustainable Flood Risk Management)
Policy NRM10	(Noise)
Policy KTG1	(Core Strategy)
Policy KTG6	(Flood Risk)

Medway Local Plan 2003

Policy S4	(Landscape and urban design)
Policy S5	(Medway's "City" Centre)
Policy BNE1	(General principles for built development)
Policy BNE2	(Amenity protection)
Policy BNE3	(Noise standards)
Policy BNE5	(Lighting)
Policy BNE6	(Landscape Design)
Policy BNE7	(Access for all)
Policy BNE12	(Conservations Areas)
Policy BNE18	(Setting of Listed Buildings)
Policy BNE20	(Scheduled Ancient Monuments)
Policy BNE21	(Archaeological sites)
Policy BNE24	(Air Quality)
Policy BNE37	(Wildlife habitats)
Policy BNE39	(Protected Species)
Policy BNE43	(Trees and Development sites)
Policy L3	(Protection of open space)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)
Policy T5	(Bus Preference Measures)
Policy T6	(Provision for Public Transport)
Policy T18	(New Transport Infrastructure)
Policy T22	(Provision for People with Disabilities)
Policy CF13	(Tidal Flood Risk Areas)

Chatham Centre and Waterfront Development Brief (August 2008)

The site also lies within the buffer zone of a candidate *World Heritage Site (WHS)* and proposed *Great Lines Heritage Park*.

Planning Appraisal

The determining issues in relation to this application relate to:

- History
- Principle of Development
- Layout
- Architectural Form
- Historic Environment
- Archaeology
- Ecology
- Trees
- Flood Risk
- Air Quality
- Contaminated Land
- Noise
- Amenity Considerations
- Highways

History

In June 2004, Medway Council adopted the Chatham Centre and Waterfront Development Framework as supplementary planning guidance to the adopted Medway Local Plan. This document proposed a bus facility in the Sir John Hawkins Way area.

In May 2006 EDAW were appointed to work with the Council to co-ordinate the master planning of key sites to produce the Chatham Centre and Waterfront Supplementary Planning Document (SPD). During the public consultation exercise carried out on the SPD for Chatham there was significant support for improved bus facilities in Chatham including a replacement for the existing Bus Station. However many felt that the proposed site at Sir John Hawkins Way was not ideal. Many felt it was too far from the Pentagon Centre and in a location that would not encourage greater use in the evenings. The owners of the Pentagon Centre also expressed concerns that the relocation of the Bus Station was too far from the centre. An alternative location for the bus facility on The Paddock was proposed.

On 16 October 2007 Cabinet resolved to undertake a consultation exercise to gauge public opinion over the proposed location of a new bus facility on The Paddock with the results of this reported back to Cabinet in November 2007.

In December 2007 Cabinet agreed to the principle of the bus facility being located within a zone centred on Globe Lane and Sir John Hawkins Way. Officers considered a comprehensive range of options for the bus facility within this zone. These decisions were subsequently called into a meeting of the Regeneration comments and Culture Overview and Scrutiny Committee on 8 January 2008.
The options were as follows:

> *Option 1 Pentagon Centre* – The existing bus station, included for the purposes of comparison with the proposed options. It is a “do nothing “ option.
>
> *Option 2 The Paddock* – Comprising 4 platforms incorporating 4 bus stands each and 5 layover bays, designed to be fully dynamically operated.

Option 3 Half Paddock/Globe Lane – Based on the same basic design as option 2 but centred on the current alignment of Globe Lane.

Option 4 Globe Land Island/Linear – Comprises a smaller station building, but due to its smaller size bus stands must also be incorporated along the roadside. Operating partially dynamically.

Option 5 Linear – No station building at all and instead provides the required number of bus stands along the roadside. It cannot operate dynamically.

Option 6 Globe Lane Car Park/Riverside Gardens – Based on the same basic design as option 2. It can be varied to provide 2 platforms or 8 stands each instead of the 4 platforms of 4 stands shown in option 2.

Option 7 Sir John Hawkins Way site – The original proposal and was consulted upon in June 2007. Comprises a station building on the car park site, which is capable of operating partially dynamically, although some roadside stands are also required on Sir John Hawkins Way to provide the necessary capacity, which do not operate dynamically.

Several criteria were used to draw conclusions about the suitability of each option to include: facility operation, facility size/walk distances, provision of support facilities, vehicle/taxi/pedestrians/cycle routes, security/safety, passenger usability, public open space/green space, development opportunities, historical/heritage impact, response to existing and future context, response to "Vision for Chatham", service diversions and cost/programming/phasing.

In summary no one option performed well against all of the criteria however it was concluded that option 4 best protected The Paddock, minimised loss of developable area, retained a good location close to the Pentagon and still gave an opportunity for a distinctive bus facility. It was subsequently recommended that Option 4 to be progressed to detailed design and a planning application submitted.

The cabinet decision on the 19 February 2008 was to agree the principle of locating the bus facility on the site referred to in the options appraisal in the report as number 4 – Globe Land Island/Linear.

On 24 June 2008 a further report was presented to Cabinet under the title "Chatham Road Scheme" where it was reported that further detailed design work was undertaken on the bus facility. It was reported to Cabinet that this resulted in a "minor realignment" to the bus facility layout in order to avoid significant sewer diversion costs. Cabinet were advised that the proposed layout was still in the Globe Lane location as previously approved and was still designed in an "island" configuration with dynamic station operation but that the layout of the facility encroaches slightly onto a small area of The Paddock along the length of Globe Lane.

The plan (rev B 06 June 2008) showing the siting of the bus facility approved by Cabinet does not show details of the platform buildings which as set out on the current application drawings cut further into The Paddock, Riverside Gardens and The Globe Lane Car park.

The cabinet decision on the 24 June 2008 was to approve the final layout for the bus station (refer to plan rev B 06 June 2008), subject to the Council, as landowners, advertising the appropriation of that part of the proposed site currently forming open space to bus facility and

delegated authority to the Director of Regeneration Community and Culture, in consultation with the Portfolio Holders, to issue the relevant advertisement and consider any objections and determine whether or not to appropriate the land.

On 15th July 2008 Cabinet approved 'The Chatham Centre and Waterfront Development Brief', delegating authority to the Director of Regeneration, Community and Culture, in consultation with the relevant portfolio holders, to make any minor amendments and further editing before the final document was formally published. The Development Brief was adopted on 1st August 2008 and sets the proposed bus facility in context with the wider regeneration aims for Chatham of which it forms an integral part. The masterplan for the waterfront area shows the bus facility centred on Globe Lane but also taking land from the Paddock. The size, layout and location of the current application is consistent with the Development Brief masterplan.

Principle of development

Part of the application site falls within land designated in the Medway Local Plan as protected open space and is covered by policy L3. The applicants have supported their application with an open space statement. A desk top study was undertaken within the site area and an assessment of the existing open space provision was also undertaken for River Ward, which the site falls within. A qualitative and quantitative assessment were undertaken to identify the potential impact of the proposed development in the existing open space provision within the site.

The applicants have used the Medway Open Space Strategy and 2001 Census in their assessments and advised that in the Medway Open Space Strategy there is a provision of 1,909 ha of open space within Medway of which 179 ha of green space (excluding domestic gardens) is found in the River Ward.

The application site comprises 5,868 m^2 of amenity green space including grass and trees and an additional 420 m^2 of hard landscaping. Of the green space The Paddock equates to 4,420 m^2 with a further two areas of 1,448 m^2 in total to the north of Globe Lane set within the Riverside Gardens.

The applicant's qualitative assessment of the site gave it very low scores in regard to the quality and value audit. They found that the site had poor signage due to the absence of a welcoming sign or map, which could direct visitors to features and local attractions. While it was found that there is sufficient car parking and disabled car parking located within close proximity to the site at Globe Lane and the Pentagon Shopping Centre the accessibility and movement within the space for disabled badge holders, cyclists and parents with buggies is underused and in need of enhancement. It was also considered that the position of Globe Lane and Military Road currently discourages pedestrian movement between the existing areas of open space as road traffic disrupts safe connectivity. The structural features of the open space such as boundaries, street furniture and lighting are considered to be of poor quality/design and detract from the natural landscape. The applicants audit also concluded that the site has very poor recreational and play value for younger children but does have some value with regards to the contribution to local amenity and ecological and biodiversity value. Overall the applicants conclude that the existing open space within the site provides good condition of trees and is located in close proximity to Chatham centre and surrounding historical attractions. However, the poor linkages and signage between the open spaces and the surrounding area results in the spaces being under-utilised and require further enhancements. In addition to this, the surrounding highway network also detracts from the

green spaces due to pollution such as noise and car fumes.

The proposed development for a new bus facility will result in the loss of several areas of existing open space both green spaces and hard standing. Approximately half of the existing Paddock will be lost to the proposed development equating to an area of 1,990 m^2 in addition to this the proposed development will also result in the loss of existing areas of open green space to the north of Globe Lane equating to 1,448 m^2.

Policy L3 of the local plan places a requirement on the proposed development to provide alternative open space provision within the same catchment area and which is acceptable in term of amenity value. In viewing the application, the retained area of The Paddock which equates to approx. 2,435 m^2 will be extended by an additional 1,245 m^2 towards the Pentagon Shopping Centre by incorporating Military Road which will provide an area of 3,675 m^2 of open space overall. A further area of 423 m^2 of soft landscaping area is proposed to the front of the Pentagon Shopping Centre, fronting the Brook. In addition to this the proposed development will also provide three new areas of public open space being created within the central areas of the bus facility, totalling 845 m^2 of hard landscaping. Two new public spaces will also be provided, one public square along the northern part of Military Road and the junction between The Paddock and the Brook (320 m^2 of hard landscaping), the second at the junction of Military Road and Sir John Hawkins Way (1,320 m^2 of hard landscaping). The table below summarises the applicant's data:

Nature of Open Space	Existing Provision (m^2)	Post Development (m^2)
Green Landscaping	6,120	4,098
Hard Landscaping	420	2,485
Total Provision	6,540	6,586

As well as the amount of open space the quality of it also needs to be taken into account. The applicants consider that the three new areas of open space within the central bus facility will provide a highway quality paved open space which will allow pedestrians from all members of the community to gain safe access to The Paddock and improve connectivity to the surrounding area. The additional area of open space along Military Road will connect the two new public spaces, which are proposed as part of the development and improve the pedestrian and cycle movements in a north/south direction from Chatham Town Centre to the Brook Theatre. The safety of the site will be increased through the provision of CCTV monitoring and lighting.

In summary the applicants open space statement concludes that there will be a quantity increase in open space provision together with a positive effect on the overall quality of the replacement facilities and the quality of finishes and the proposal is in accordance with policy L3 of the Medway Local Plan.

Layout

The size of the bus station, sixteen stands, is dictated by operational needs. Although this produces a bus station that has a large footprint relative to the size of the green space of New Gun Wharf, dynamic stand allocation will maximize the use of the bus station such that it fits operational needs whilst being no bigger than absolutely necessary.

The geometry of the site is such that the proposed layout (four rows of carriageways and

stands, shelters either side of the complex and on an island unit in the middle) is the only real option. This produces a large square footprint that separates the Pentagon from the waterfront to an extent. This is somewhat contrary to the objective of the Chatham masterplan to reconnect Chatham with its riverfront, however this is an inevitable consequence of a large bus station in this location.

Hard landscaping in the form of high quality paving and the extensive crossing points have been designed, to allow easy pedestrian connections from Chatham centre through the bus station to the river. The removals of all but bus and taxi traffic will also assist this connection. Overall, in this respect, the layout allows better pedestrian connections to the river than are available at present.

Another worthwhile gain as part of this development is the downgrading of Military Road to a pedestrian thoroughfare. This allows a much larger and more usable public space to be constructed next to the Pentagon Centre.

Architectural form

The architectural form of the bus station complex has been carefully thought out. The basic concept is of a series of small '*pavilions within a park*', the intention being to mitigate the impact of this sizable complex on the open space of new Gun Wharf and on the setting of Fort Amherst and the Brook Theatre. To this extent the 'pavilions' are no higher than 8.8m (2.5 domestic storeys) in height and have glazed, transparent walls. The roofs are conceived as a series of 'folded leaves' of copper that will dull down eventually to a rich turquoise-green.

There is no doubt that the architecture of the buildings will be an interesting and dramatic intervention upon the green space of The Paddock and Gun Wharf. However, careful detailing will be necessary to ensure that the 'pavilions' are as transparent as possible and that the roofs are elegant, it is therefore recommended that construction details at an agreed scale should be submitted as a condition of planning permission.

Hard and soft landscaping are a very important part of the overall concept it is recommended that this is also conditioned to ensure that there is control over this aspect of the development.

Historic Environment.

The adopted Chatham Masterplan recognises the historic importance of The Paddock. Due to the very high expense of moving underground services the current location has been selected. The bus station carriageways encroach upon The Paddock and two of the six pavilions are placed upon The Paddock. As such the historic importance of Globe Lane as a former route into the military zone of the Dockyard will not be as readily understandable. There is scope, however, to regain this understanding by a careful choice of paving materials and it is therefore recommended that this is conditioned on any approval. Indeed this is something that English Heritage have asked that further consideration is given to the treatment of the existing alignments of Globe Lane and Military Road in terms of landscape treatment and materials to try and make both of these historic roads legible as former streets, in particular when looked at from the high parts of Fort Amherst.

As with any development in this location, the bus station will impinge upon the setting of the back drop of Fort Amherst and the important landmark of the old Town Hall; now the Brook Theatre. However, the design concept, as explained above, is based upon the need to

minimise this impact.

Overall, the complex is considered to be carefully thought-out and of a bespoke design for this location.

Archaeology

The application site is centred on the roads of Globe Lane and Military Road and the area of open land, known as The Paddock. The site also includes part of a parcel of land to the west of Globe Lane, which is the site of the former New Gun Wharf. These roads and open-spaces are important to the understanding of the development of the modern-day town of Chatham especially given their position at the interface between former military and civilian areas.

Globe Lane is the earliest of these components to develop, its alignment being clearly shown on an early map of the area dated 1633. Military Road is a far more recent creation, although is equally significant, as its name suggests, it was constructed as a defendable route by the military to connect Fort Amherst with Fort Pitt via the (now demolished) Gibraltar Tower.

The Paddock as an open space was therefore a creation of these two parallel roads. Initially The Paddock was used as a pound for construction materials used for building works on the Chatham Lines. Later it was leased for grazing before being converted to public gardens to provide an appropriate setting for Chatham Town Hall (now the Brook Theatre and is a Listed Building). The Paddock is identified in the Kent Gardens Compendium as being a Historic Park or Garden of specialist interest.

The White House (which has now been withdrawn from the scheme) and the smaller building (proposed for demolition) both relate to the use of the site as an ordnance facility – the former being used for officer's accommodation and the latter likely an office building.

The potential for buried archaeology on the development site relates to:

- Buried remains of the medieval *Land Wall* and earlier street deposits associated with the development of Globe Lane

- Well preserved and waterlogged remains associated with the former mill-ponds, tidal and water management systems and potentially earlier unrecorded mill-buildings. The deliberately in-filled former mill-ponds may contain significant and interesting deposits.

- Remains, especially in the northern part of the development site near The White House, relating to the early defences of Chatham dockyard. Such remains are potentially of national significance. A plan of the Ordnance Wharf area dated 1763 shows a bastioned outwork flanking the road to the dockyard, which appears to extend into the application site.

- Deposits associated with the construction of Military Road and its earliest surfaces.

- Buried remains of the former New Gun Wharf, including former buildings, tramways and other walls and surfaces. As well as upstanding surviving buildings belonging to the former ordnance facility.

- Deeply buried palaeoenvironmental deposits associated with the development of the River Medway and The Brook (Old Bourne).

It is clear that the site has the potential to include buried archaeological remains from a number of periods. An additional report by WA Heritage on the potential impact of the proposed scheme on sub-surface remains associated with a pre-nineteenth century ravelin has been submitted. A map of 1763 shows that a substantial bastioned outwork formed part of the defences here and map analysis suggests that this would seem to have extended into the north-west corner of the present site. Should buried remains associated with this outwork survive at the site these would be of national importance and should be preserved *in situ*.

The WA Heritage report notes that the current nature and land-use of the site as well as the presence of services means that archaeological evaluation of this potential prior to determination of the application could not be readily achieved. Kent County Council's Archaeological Officer has advised that providing the applicant can confirm that there is sufficient flexibility in the scheme to allow such important archaeological remains to be preserved *in situ*, the mitigation of the archaeological potential of the site can be secured through carefully worded conditions. As such, a number of conditions to secure evaluation, mitigation and recording of archaeological remains as well as recording of the undesignated buildings proposed for demolition are recommended.

Ecology

The major habitat on the site by area is roads, pavements and car parks. Parkland and scattered trees occupy most of the remainder of the site. The parkland consists of The Paddock and part of Riverside gardens. The Medway mudflats, approx. 80m to the north west of the site are a UK Biodiversity Action Plan (BAP) priority habitat. Within 500m of the site is the Great Lines Local Wildlife Site and approx. 1.6km to the north of the site is the nearest SSSI Tower Hill to Cookham Wood.

No protected species of plants were recorded during the Ecological Assessment.

Notable species of birds recorded during the survey included song thrush, starling, black headed gull, herring gull and mute swan. Chaffinch and great tit were nesting on the site and within the zone of influence (i.e. areas directly within the land take for the proposed development and access, areas which will be temporarily affected during construction, areas likely to be impacted by hydrological disruption and areas where there is a risk of pollution and noise disturbance during construction and/or operation). No other fauna was observed, however the mature trees on the site might provide suitable habitat for bats to roost and forage.

Recommendations that arose from the ecological survey include:-

- An emergence/activity survey for bats is carried out to determine whether they roost, forage or commute on the site or within the zone of influence
- All scrub and tree clearance should be kept to a minimum. Clearance should ideally be undertaken outside the bird-breeding season. If scrub or trees are to be removed within the bird-breeding season, then breeding bird surveys will be required and the necessary mitigation measures put in place.

A Bat survey was carried out in September 2008 by two ecologists which took an internal inspection of one building at the Riverside Gardens, looked at emergence surveys on two

buildings at the Riverside Gardens and Queen Street, undertook a visual assessment of the trees and did transect surveys of The Paddock, Riverside Gardens and the Queen Street site.

The ecologists did not find any evidence of bats during the building inspection at the Riverside Gardens and no bats were seen emerging from either building during the emergence surveys although common pipistrelles were recorded in the area.

Activity surveys were used to assess bat activity levels and identify species using the site. These surveys recorded low numbers of common pipistrelles foraging across the site.

Recommendations that arose as a result of these surveys include:-

- Further emergence surveys of the two building (at the Riverside Gardens and Queen Street). The Bat Conservation Trust guidance recommended two emergence surveys to confirm a negative result. It is recommended that this is undertaken at the optimal time of the year (May – August) to confirm the results.
- Soft felling of the high potential trees between March/April or September/October under the supervision of a licensed bat worked
- Bat boxes to be erected to replace potential roosting sites lost to the development
- Lighting across the site should be designed with bats in mind

Taking both the ecological and bat surveys into account it is recommended that a number of conditions are applied to any approval to ensure that the ecology on the site is preserved and / or enhanced.

Trees

Trees growing within the site boundary and in particular those growing on the open space known as The Paddock contribute significantly to the visual amenities of the area. Under normal circumstances these trees would be considered for protection under a tree preservation order if they were in private ownership and at risk.

Visual inspection of the existing trees growing within the site boundary confirms that several trees have defects. With the exception of trees T9 and T21 (R grade trees) many of these defects could be resolved through pruning works and/or new cable bracing. This view appears to be supported in the applicant's arboricultural report in paragraph 4.4, which reads *"The trees are in a satisfactory condition overall and no works are immediately necessary".*

The applicant's arboricultural report at paragraph 4.5 recommends that R grade trees should be removed irrespective of any development. This view is supported in paragraph 4.3.4 of British Standard 5837 "Trees in Relation to Construction" which states that category R trees are those which would be lost in the short term for reasons connected with their physiological or structural condition. This point is important because the proposal identifies 9 out of the 25 trees currently growing on The Paddock to remain, but two of these trees (T9 and T21) are identified as R grade trees in the applicants arboricultural report with a recommendation to fell. The tree officer agrees with this recommendation.

The application needs to be considered against policies BNE6 and BNE43 of the local plan. Criteria (iv) of local plan policy BNE6 states that major developments should have regard to retaining important existing landscape features, including trees where they are well related to

open space features in the locality and policy BNE43 states that development should seek to retain trees that provide a valuable contribution to local character.

The proposal identifies the need to remove 28 out of the 40 mature trees growing within the site boundary. This equates to 70% of the existing tree cover. Landscape plans that accompany the application and the Planning Statement advise that the key design principle for landscaping, as part of the proposed development is the replacement of each existing tree lost on a 2:1 ratio. The proposed development will provide 58 trees, which will form part of the overall landscape works. The new trees proposed are to be planted within the retained area of The Paddock and along the perimeter of the new pedestrian routes and public space to provide an enhanced woodland setting of the proposed bus station. It is proposed that all new trees will be native to the locality and will be chosen from a range of species, which broadly reflects the existing mature trees within and around The Paddock. The applicant's advise that the planting plan has been developed with the use of semi-mature and over-size trees to ensure that the new trees contribute positively to the local townscape from the initial opening of the bus station.

Paragraph 5.5 of the applicants arboricultural report acknowledges that tree planting proposals need to recognise shading issues and that any landscaping scheme should be designed accordingly. Paragraph 7.1 of the same report states that as far as any new planting is concerned the layout and species choice should reflect a sustainable spatial relationship. While the applicant has provided a proposed outline planting plan no details of tree species, plant sizes or root treatment have been provided for comment. It is therefore recommended that a condition is added to any approval to ensure that this is properly dealt with and considered in relation to any underground existing or proposed servicing.

Flood Risk

The applicants have supported their application with a Flood Risk Assessment. Bus services by their very nature are flexible and if necessary can be re-routed. The proposed bus facility while an important part of Chatham's public transport infrastructure is not considered as essential infrastructure in relation to potential flood risk as during a flood event, bus services would be re-routed to other parts of the town. Alternative arrangements would be possible for public transport operation without risk to life or property. As a result the proposed development can be classed as "Less Vulnerable".

The conclusion of the findings of the Flood Risk Assessment can be found below:

- The Environment Agency flood maps show that the site is located within Flood Zone 3a (high risk)
- The most significant source of flood risk to the site is considered to be tidal flooding from the River Medway
- Design Flood Levels have been agreed with the Environment Agency as 200 year annual probability; year 2060 = 5.41m AOD
- Historic river flood records of four events in the last 60 years show that the site has not been flooded during this period
- Due to the lack of flood defences along this stretch of the river it is considered likely that flooding of the site will occur at ground level during extreme flooding events. Due to the nature of the proposed development flood mitigation measures are not considered necessary. Operational procedures will be incorporated to minimise or remove the risk to personnel employed on the site

- Evidence for the Sequential Test has been undertaken in line with PPS25; this demonstrates that the development vulnerability of the site is appropriate to the Flood Zone, and that there are no other reasonably available site of this development which would satisfy the required parameters of the proposed development

Air Quality

An air quality assessment of the Dynamic Bus Facility (DBF) and phase 2 highway improvements has been submitted in support of this application. The methodology, results and conclusions in the assessment are satisfactory. The affect on air quality is discussed below and has been split between the construction and operational phase for ease of reference.

Construction phase – the assessment has identified that the construction phase would generate temporary adverse dust impacts, although there are few sensitive receptors within 200m of the site of the DBF. The assessment suggests that a construction management plan that uses the methodology within current best practice guidance is adopted to reduce the risk of dust nuisance to these properties. A condition is therefore recommended to ensure that a construction code of practice that describes measures to control noise and dust impacts arising from the construction phase of the development is received.

Operational phase – A detailed dispersion model has been used to predict the impact of Phase 2 of the Chatham town centre highway improvement, which includes the operation of the dynamic bus facility. The DBF and highways improvements have also been qualitatively assessed.

The DBF and the introduction of a bus/taxi/cycle only road on Sir John Hawkins Way and the Globe will have an overall beneficial effect on air quality. The DBF itself is very open in design, which will aid with pollutant dispersal.

The operational phase of the bus facilities and phase 2 highway scheme taken together is predicted to result in substantial beneficial impacts on air quality on the northern end of The Brook, Rochester High Street, the northern end of Maidstone Road, on Railway Street in the air quality management area and on Chatham High Street. As the changes to the highway divert more traffic on to the A2, adverse impacts are predicted on the A2 and the southern end of The Brook. However, the assessment has shown that on balance, the whole of Phase 2 of the scheme can be considered as having a slight impact in terms of air quality on the study area.

Contaminated Land

The applicant has submitted the following information in support of their planning application:

Dynamic Bus Facility: Geotechnical Desk Study undertaken by Mott MacDonald dated March 2009 (report reference: 219596-IN21-DS-FNG01)

The desk top study includes a site history, site walkover, information on the geology and hydrogeology at the site. A conceptual site model has been developed for the site. The desk top study recommends that a site investigation be undertaken to support the conceptual site model, a condition is therefore recommended to ensure this work is undertaken.

Noise

A noise impact assessment of the DBF and phase 2 highway improvements has been submitted in support of this application. The methodology, results and conclusions in the assessment are satisfactory. The affect on noise is discussed below and has been split between the construction and operational phase for ease of reference.

Construction phase – Predictions have been made of the worst-case noise levels from various construction operations, which indicate that significant noise levels may be experienced at sensitive premises near to the dynamic bus facility. The assessment suggests that a construction management plan that uses the methodology within current best practice guidance is adopted to reduce the risk of noise nuisance to these properties. The above recommended condition relating to a construction code of practice addresses this issue.

Operational phase – The operation of the DBF is unlikely to cause any noise problems, as there are no residential properties in close proximity to the site. The layout has been designed to minimise the need for buses to reverse and therefore the use of reversing bleepers is reduced. The reduction in changes in traffic flow and speed through the site will lead to a minor to moderate reduction in noise at adjacent facades.

Amenity Considerations

Due to the siting of the proposed bus station with regard to the habitable room windows of residential properties it is considered that there would be no negative impacts with regard to loss of outlook, daylight, sunlight or privacy. The application is therefore in accordance with policy BNE2 of the Medway Local Plan 2003.

Highways

The current bus station in the Pentagon Centre has 18 operational bays plus 2 spare bays and generates 1,300 pedestrian movements in the morning peak hour, rising to 3,750 movements during the busiest time of the day between 1200 and 1300. The underlying principle of a dynamic bus facility, whereby stopping places are allocated shortly before the bus arrives, means that the use of space within the facility is more efficient than a conventional arrangement and therefore less space is required for the bus station. However, this application proposes a bus station that operates in a semi-dynamic manner, whereby selected services grouped by their geographic coverage area and destinations will use the same cluster of bus stops. To enable passengers to become familiar with the system, it is intended that the same stop will generally be used for the same bus service. Should an alternative stop be required, it is proposed that these 'secondary' stops will be clustered around the same shelter as the original stop. Sensors on key approaches, at entry and exit points and at the platforms themselves will enable the allocation of buses to individual stands, with a linked real time passenger information system directing passengers to the appropriate platform for each bus. The provision of 16 bus stands with 4 stops and 4 layover spaces on Sir John Hawkins Way has been designed to accommodate over 130 arrivals/departures per hour, with bus dwell times estimated to be around 2 minutes for the set-down of passengers and 4 minutes for boarding. Whilst this number of stands is broadly in line with the existing provision, it will cater for potential journey time variations and future passenger growth and associated increases in bus frequencies. Stopping provision for scheduled coach services will be made on Sir John Hawkins way, with adjacent pedestrian

crossing points to the north and south providing direct access to the Pentagon Centre and High Street respectively. The 4 layover spaces on Sir John Hawkins Way will generally be used by unscheduled (ie not timetabled services such as shuttle buses) services. They also provide contingency space to protect against disruption of service should stands in the DBF be blocked e.g. by a broken down bus. A detailed analysis of vehicle swept paths has been undertaken to ensure that the largest vehicles expected to use the DBF can manoeuvre safely. This, in turn, has determined the overall dimensions of the DBF; the vehicle tracking diagrams clearly demonstrate that, for the number of stands provided, the optimum layout has been achieved.

Traffic Impact & Access

The Phase 2 Highway Schemes (approved as part of application MC2009/0522) will improve capacity for north/south traffic movement by widening sections of The Brook and widening and realigning the Union Street/New Road/Best Street junction. This is predicted to accommodate the additional traffic resulting from the closure of Globe Lane and Sir John Hawkins Way. The removal of general traffic from Globe Lane will allow straight-ahead movement from Dock Road and The Brook to be prioritised, and a bus lane on the eastern arm will be provided to facilitate access to the Dynamic Bus Facility. In terms of its impact upon public transport operations, the relocation of the bus station will require only very limited changes to existing bus routes. The provision of a more accessible, up-graded facility will improve the opportunity for through movements and result in a less circuitous route for buses: the relocation of the bus facility is predicted to reduce the overall distances buses currently travel by up to 200,000kms per annum. This will have both financial and environmental benefits, with the potential to reduce journey times and improve reliability and punctuality. Notwithstanding this, the careful management of the safe and efficient operation of the DBF will require the careful management of traffic in its immediate vicinity, with appropriate measures put in place to control and enforce vehicular access in the immediate vicinity of the site. For this reason, it is recommended that a condition be attached to any consent that requires the submission of a traffic management plan for the operation of the Dynamic Bus Facility. This should include details of measures to restrict vehicular access to the site to buses, coaches, taxis and emergency vehicles, enforcement and speed management strategy and an access management plan for Medway Street, Globe Lane car park and Sir John Hawkins Way.

As part of the proposed development, the existing access to the Globe Lane car park will be relocated, with an access created on Medway Street close to the junction with Globe Lane. Whilst the Design and Access Statement indicates that the Globe Lane car park will be accessed/exited from Medway Street only, a vehicle egress is, in fact, proposed onto Globe Lane. It would be preferable for the Globe Lane car park to either be closed and landscaped following construction of the DBF or accessed solely through the adjoining Medway Street car park, which would negate the need for an access adjacent to the DBF. However, Medway Street car park is only leased to the Council, and therefore the long-term use of this car park as a means of accessing the Globe Lane car park is not secure. Notwithstanding this, the provision of a vehicle egress from the car park introduces the potential for conflict between users of the car park, the turning facility, buses, pedestrians and cyclists. It is therefore recommended that details of the access and egress arrangements for the Globe Lane car park be secured by condition. This will enable further consideration to be given to this issue and, if egress on to Globe Lane is unavoidable, for the detailed design to incorporate measures to prevent left-turns from the proposed access into the DBF, which may include an adjustment to the junction radii to provide a physical restriction.

Pedestrians and cyclists

Taking into consideration redevelopment proposals for the central Chatham area and the provision of a more attractive and accessible bus facility, it is anticipated that pedestrian movements in the vicinity of the DBF will increase over current levels. As part of the redevelopment of Globe Lane, pedestrian and cycle routes in the vicinity of the DBF will be subject to minor amendments. A new pedestrian link adjacent to the White House will connect Riverside Gardens and Dock Road with the DBF. However, it is also considered appropriate for a pedestrian footpath to be provided alongside the northbound exit slip road on to Dock Road that connects with the existing provision, as this will reflect the pedestrian desire line from this direction. It is recommended this be secured by condition.

Four uncontrolled pedestrian crossing points are proposed within the DBF, and are positioned to reflect pedestrian desire lines through the site (connecting The Paddock with the Riverside Gardens). External dynamic signing placed alongside pedestrian desire lines to guide passengers to the correct stop will, to a large extent, minimise uncontrolled crossing movements. The 'real time' nature of the signs will provide passengers with information well in advance in order to reduce the need for hurried movements across the DBF. The principle of these uncontrolled crossing facilities is acceptable, given the low vehicle speeds within the DBF and the provision of satisfactory levels of visibility. It should also be noted that a similar uncontrolled pedestrian crossing point is currently in place on Military Road adjacent to the Pentagon Centre, which provides a route into the existing bus station for a significant number of services. No personal injury accidents have recorded at this location in the past five years. Notwithstanding this, it is recommended that a condition secures further details in respect of surface treatments, signing, pedestrian priority measures and means by which pedestrians will be guided towards the intended crossing points and protected from buses accessing and egressing the bus stands.

It is proposed to divert National Cycle Route 1 away from the pedestrianised areas of Military Road and Chatham High Street, with a new section of route on Globe Lane and Medway Street providing the connection from Dock Road towards Rochester. Whilst no objection to this is raised in principle, it will be necessary to ensure that satisfactory facilities and infrastructure are put in place to support this, particularly at the Globe Lane/Medway Street junction and on Medway Street itself. It is recommended that details of cycle facilities and infrastructure to support the proposed amendments to National Cycle Route 1 be secured by condition.

Conclusion on highway issues

The development of a DBF will provide a high quality public transport facility that will promote sustainable travel and encourage modal shift, in accordance with local and national policy objectives. The necessary re-routing of traffic in the town centre will be addressed through the Phase 2 highway improvement works that increase capacity along the Brook and at the Union Street junction with the A2. Pedestrian and cycle facilities will also be improved as part of this scheme, and within the immediate vicinity of the Dynamic Bus Facility. On this basis, subject to the recommended conditions, the application is considered to accord with the transport policies of the Local Plan and no objection is raised.

Conclusions and Reasons for Approval

The proposal for a Dynamic Bus Station offers a modern bus facility which will improve the pubic transport of Chatham. The proposal is considered acceptable in terms of amenity, highway and all other material planning considerations. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions. The proposal therefore accords with the provisions of Policy S4, S5, BNE1, BNE2, BNE3, BNE5, BNE6, BNE7, BNE12, BNE18, BNE20, BNE21, BNE24, BNE37, BNE39, BNE43, L3, T1, T2, T5, T6, T18 T22 and CF13 of the adopted Local Plan and policies T1, T2, T5, BE1, BE6, NRM4, NRM10, KTG1 and KTG6 of the South East Plan 2009 the application is accordingly recommended for approval.

The application would normally be determined under delegated powers but is being referred for member consideration due to its significance and number of representations contrary to Officer recommendation.

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6 MC2008/1838

Date Received: 17th November 2008

Location: 36 Featherby Road Gillingham ME8 6AN

Proposal: Construction of a first floor side extension; new roof to existing side addition and construction of a dormer window to rear to provide additional living accommodation within roof space

Applicant: Mr Uzam 36 Featherby Road Gillingham Kent ME8 6AN

Agent: Mr K Cullen Kent Drawing Office 1 First Floor 25 High Street Rainham, Gillingham Kent ME8 7HX

Ward: Twydall

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on the 12th of August 2009.

Recommendation - Approval with Conditions

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 Materials used on the construction of external surfaces of the extension herein approved shall match those used on the existing dwelling.

3 The bedroom window on the southern elevation (side) and bathroom windows on the eastern (rear) shall be fitted with obscure glass and shall be non-opening apart from any top hung fan light.

4 Notwithstanding the plans herein approved, an amended plan showing the front parking area including the area marked "garden" shall be submitted to and approved by the Local Planning Authority prior to the commencement of works. The plan shall include details of soft landscaping to be retained both sides of the vehicle parking area to ensure that the side part of the garden is not cut off from the main rear garden. The approved parking and landscaping plan shall be implemented in accordance with the approved details.

5 The extension hereby approved shall be used as ancillary accomodation to 36 Featherby Road and shall not be used, let or sold as a seperate hereditament.

For the reasons for this recommendation for approval please see Planning Appraisal section and conclusions at the end of this report.

Site Description

The application relates to an end of terrace property on the eastern side of Featherby Road. The property is two-storey in height and rendered with a front two-storey bay window and gable feature to the front, a two-storey flat roof side extension and an integral garage. There is a driveway to the front of the property that can accommodate 1 car. The terrace is set back from the pavement by approximately 4m. There is a footpath that runs along the southern boundary of the site, which leads to a rear access path for the terrace and link through to Chalkenden Avenue behind, is overgrown and not in use.

To the south of the site, separated by the footpath are the terraced properties located in The Chase whose back gardens abut the side boundary of the application site. To the east is the terraced housing located in Chalkenden Avenue, whilst to the west the site would in part front the terraced housing opposite in Featherby Road, but for the majority be opposite the side boundary of 64 Hanway.

There are some semi-mature trees in the front (southern) corner of the site.

Proposal

The application is for the demolition of the existing two-storey side extension and erection of a larger two-storey side extension and rear dormer extension to the main roof of the house to provide additional living accommodation.

The extension will increase the width of the existing house by further 0.5 of a meter (from 7.7m to 8.2m). It will have a hipped roof with a reduced ridge height compared to the main house. It will project back further than the existing extension as well, increasing the depth of the side elevation from 5.5m to 6.6m, and by a further 1.7m for a smaller first floor element with an adjoined hipped roof. The existing single storey flat roof side extension would then remain in part along with the existing conservatory.

The integral garage will be removed and a new two-storey bay window will be included on the front elevation and a new door introduced in the southern (side) elevation. The scheme would also involve a loft conversion for the existing property, which will include two velux windows on the front roof plane and two pitched roof dormer windows on the rear.

The extension will provide an additional living room at ground floor and a bedroom and bathroom at first floor level, accessed by a separate staircase. In the loft conversion there will be an additional bedroom with en-suite bathroom. A porch to the front is also proposed.

This scheme has been negotiated with the applicant as the original plans displayed a floor layout, which would facilitate a self-contained unit. This would have been unacceptable due to the inadequate amenity space for occupiers and inadequate parking provision, the principle of which has been refused twice previously (see *relevant planning history*). The amendments agreed are as follows

- A connection between the kitchen and new living room as well as the hallway

- The inclusion of the garden area to the side as part of the main dwelling.

The applicants have stated that the purpose of the extension is to house two elderly relations. The main differences between this application and the most refused application are that

- The total width of the dwelling will be 8.2m wide as opposed to 9.5m wide.
- The dormer windows have been decreased in size
- There will be one entrance at the front of the property serving both the new living room and the existing living room, (as opposed to two separate entrances).
- There will be a link to the new living room via the kitchen
- The living room will not have a separate kitchen
- The garden will be shared

There have been two previous applications prior to this one; one for a separate dwelling and one for an annex (see history). Both were refused, in summary, for the following reasons:

MC2007/1417
As a separate dwelling, it would be an over-intensification of the site resulting in the provision of inadequate private amenity space and hardening of appearance of the property.

MC2008/0849
Although applied for as an annexe, the development contained all facilities necessary for independent habitation from the main dwelling. It was considered that the proposal had a poor overall design, was an over development of the site, had an overbearing impact on the occupiers of 1 The Chase, resulted in a loss of privacy for occupiers of The Chase, provided inadequate levels of amenity space for future occupiers and that would reduce the number of off-street parking spaces and increase the number of housing units with no additional off street parking.

The main differences between this application and the previous ones are that the new living space will be dependent on the main house by virtue of the shared garden space and doors to the kitchen and the hallway. It can therefore be considered that the side extension will form an annexe accommodation rather than a separate dwelling.

Relevant Planning History

MC2008/0849	Construction of porch to front, two storey side extension and insertion of dormer to rear to facilitate conversion in to two dwellings (demolition of garage) Refused 14 July 2008
MC2007/1417	Construction of porch to front, two storey side extension and insertion of dormer to rear to facilitate conversion to two dwellings (demolition of garage) Refused 28 September 2007
GL/91/0660/72/0218	Proposed erection of a conservatory to rear of dwelling Approved 9 November 1991

GL/72/218A	Rear extension Approved 28 April 1982
NK3/72/218	Erection of a new bedroom and garage (as amended by agents letter dated 11/09/72) Approved 4 October 1972

Representations

Neighbour notification letters have been sent to the owner/occupier of 1, 2, 3, 4 and 5 The Chase; 2, 4, 6 and 8 Chalkenden Avenue.

Five letters of objection have been received from four different addresses, raising the following points:

- Extension would be an eye sore to properties on The Chase
- More living accommodation adding to parking pressures.
- Overdevelopment of the property
- The property being tenanted once work is complete.
- Overcrowding.
- Difficulty of wheelchair users crossing road due to amount of cars parked on the street blocking access to dropped kerbs.
- Loss of outlook to no 3 The Chase.
- Increase of original 2 to 4 bedrooms in an area of high-density housing and resulting car usage.
- Loss of privacy to properties in the Chase
- Proposal will be overbearing because of close proximity and height to neighbouring properties
- Loss of outlook for neighbouring properties
- Dormer window would effectively make the property three storey and would result in overlooking problems
- Loss of value to neighbouring properties
- Disruption created by construction.
- No different to previous refused application.

On re-consultation after the amended plans were received, objections raising the same concerns were received from 2 and 3 The Chase.

Development Plan Policies

Southeast Plan 2009

Policy SP3	Urban Focus and Urban Renaissance
Policy CC6	Sustainable Communities and Character of the Environment

Medway Local Plan 2003

Policy BNE1	General Principles of Built Development
Policy BNE2	Amenity Protection
Policy T13	Vehicle Parking Standards

Planning Appraisal

It is considered that the main issues for consideration are:

1. Whether the principle of development can be considered as annexe accommodation to the main dwelling or a new dwelling

2. Impact of the development on the street scene and design of the main dwelling house

3. Impact on neighbours' amenities

4. Impact on parking and highway safety

Principle of Development

The application site lies within a built up area, as defined in the adopted Local Plan. Due to the level of dependence on the main dwelling through the shared kitchen and garden, the proposal will be considered as an extension to the main dwelling to provide annexe accommodation rather than a separate dwelling.

Street Scene and Design

The original dwelling, prior to the existing side extension was 4.7m wide. The previous proposed frontage under MC2008/0849 proposed an increase of the overall width of the dwelling to 9.5m and it was considered that the overall size of the extension would be out of scale and proportion to the original property and completely un-balance the appearance of the dwelling. The current scheme has been reduced in width to 8.2m, an overall reduction of 1.3m from that proposed in the two previous applications. It is considered that this will leave a distance of 3.5m from the southern boundary at the front and will not have significantly more of an impact than the existing situation in terms of prominence when viewed from the street.

It is considered that in comparison to the existing flat roof extension, a pitched roof as opposed to a flat roof on a two-storey side element of the scheme would enhance the appearance of the property. The introduction of bay windows and front gable feature would provide a more balanced design overall and the impact of the development on the street scene will be acceptable. In comparison to the previous scheme, it is considered that the reduction in width of the extension makes this proposal acceptable.

The proposed dormers would be of different sizes. However, the pitch design and distance from the eaves, ridge and sides are considered acceptable (at 700mm, 200mm and 500mm respectively). Aside from a select few flat roof dormer windows (most notably at 38 Featherby Road) there is no established pattern of dormer design in the locality. It is therefore considered that the proposed dormer extensions would not appear out of character in the area and on balance is acceptable.

The front garden will be altered to facilitate the development with a 1.5m section of soft landscaping retained on the southern side and 3m wide (at its widest point) on the northern side. Hard surfacing is common in the street scene and it is considered that the additional hard standing proposed will not exacerbate the hardening of the street scene to a significant degree compared with the existing situation provided that the soft landscaping proposed will

be retained. Therefore, a condition requiring the soft landscaped area to be retained is recommended.

In conclusion, it is considered that the design of the proposed extensions is acceptable. A condition is recommended to ensure that soft landscaping to the front is retained and that the extension is used as ancillary accommodation to the main dwelling house and no works are undertaken to facilitate its use as a separate hereditament.

No objections are raised in respect of SP3 and CC6 of the Southeast Plan and BNE1 of the Medway Local Plan.

Amenity Considerations

The proposed development proposes a first floor window in the side elevation, which could potentially result in direct overlooking from the new accommodation towards properties on The Chase. As this is not the main window for this bedroom, it is recommended that a condition be imposed to ensure that this window is obscure glazed with top hung ventilation only. The proposed dormers would introduce additional windows facing towards the properties at Chalkenden Avenue, as would the new first floor bathroom window in the rear elevation of the side extension towards the rear of properties on Chalkenden Avenue and the Chase (although this is proposed to be obscure glazed). However it is considered that this would not make the existing situation any worse, given the presence of existing first floor windows, and the presence of other dormer windows in the rear roof planes of other houses in this terrace, including number 38 next door.

The proposed extension would extend to a minimum distance of 1.5m away from the boundary at its closest point, due to the layout of the site (the previous proposal extended up to the boundary), only 500mm closer than the existing side extension. Therefore, a refusal based on proximity to the boundary and no 1 The Chase would not be justified and in this sense the proposal has overcome the third reason for refusal for MC2008/0849 which stated that the proposal would be overbearing and imposing for the occupiers of 1 The Chase. The extension would be to the north of 1 The Chase and therefore there would be no direct loss of sunlight or overshadowing as a result.

Overall, it is considered that the scheme would not conflict with Policy BNE2 of the Local Plan.

Highways

The existing garage will be removed as a result of the proposed extension. A small garden area on the north side of the drive will also be removed. However two car parking spaces would be retained on the hard standing to the front,

The development would result in a four-bedroom house having two parking spaces to the front. It is considered that two parking spaces will be sufficient for a 4-bedroom house as the property is on a bus route.

A number of objections were received to the application regarding the existing parking problems in the area, along with photographs showing that the road gets congested in the evening. The proposal is for a 4 bedrooms house with provision for two car parking spaces. It is considered 2 parking spaces proposed to be adequate for a dwelling of this size. However to ensure that the extension is not used as a separate residential unit that could increase

parking demand and cause high way problem a condition is recommended to retain the two storey side extension as ancillary to the main dwelling.

Overall, no objections are raised with regards to T13 of the Local Plan.

Conclusions and Reasons for Approval

The proposed extensions have been designed to reflect the character of the existing property, to retain some space at first floor level and to have a limited but acceptable impact on neighbouring amenity. It will retain an acceptable level of dependency on the main dwelling and would be occupied as ancillary to the main dwelling. The proposal therefore accords with the provisions of the above-mentioned Development Plan Policies and is recommended for approval.

The application would normally be considered under delegated powers but is being referred to Committee because the number of representations contrary to recommendation.

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7 MC2009/0496

Date Received: 20th April 2009

Location: 25 Church Street Hoo ST Werburgh Rochester ME3 9AH

Proposal: Construction of single storey rear extension to facilitate use of existing hardware store as tea and coffee house and relocation of hardware store to rear, new shopfront and 1.8m high access gates and railings to side boundary (demolition of detached store and office)

Applicant: Mr T Taggart 25 Church Street Hoo St. Werburgh Rochester Kent ME3 9AH

Agent: Mr S Pokora PEP Architectural Ltd 240 Wilson Avenue Rochester Kent ME1 2SW

Ward: Peninsula

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on 12th August 2009.

Recommendation - Refusal

1 The proposed extension, in conjunction with the existing extension and that which was approved under MC2007/1428 would result in an overdevelopment of the site which by virtue of its size footprint and elongated design would result in a development that has an adverse and detrimental impact on the character and appearance of the street scene and the surrounding area in general. The proposal is therefore considered contrary to the provisions set out in South East Plan Policy BE1 and Local Plan Policy BNE1.

Site Description

The application site is a two-storey, end of terrace property located along Church Street within the confines of the village of Hoo. At ground floor, the property operates as an A1 retail unit and at first floor provides residential accommodation. The property has already been extended at ground floor level with a single storey rear extension with pitched roof. There are a number of out buildings to the rear. Vehicular access is via Vicarage Lane.

Proposal

The application seeks full planning permission for the construction of a single storey rear extension to facilitate use of existing hardware store as tea and coffee house and relocation of hardware store to rear, new shop front and 1.8m high access gates and railings to side boundary (demolition of detached store and office).

The aim of the proposal is to relocate an existing hardware store from no 25 Church Street to an existing extension to the rear, with a further extension to accommodate storage and administrative functions. This will involve creating a new open and softened frontage to Vicarage Lane. The existing shop façade and interior will be renovated and used as a tea and coffee house.

Relevant Planning History

78/46	New Shop front Approved 8 March 1978
88/441	Use of premises and yard for a car repair business (related to adjoining shop). Approved 5 July 1988
MC2006/0718	Construction of single storey rear extension to existing shop. Refused 20 July 2006
MC2007/1428	Construction of single storey rear extension to existing shop. Approved 2 October 2007

Representations

The application has been advertised by the posting of a site notice and the individual neighbour notification letters to the owner/occupiers of no's 4, 10, 19, 19a, 21, 23, & Flat A 25 Church Street and 1, 2, 3 & 18 Vicarage Lane, Hoo St Werburgh, Rochester.

2 letters of representation have been received raising the following concerns:

- Church Street and Vicarage Lane have double yellow lines which are ignored by drivers daily.
- People park on the kerb right on the corner of Church Street and Vicarage Lane when visiting the shop, causing extreme danger on a blind corner leading to Vicarage Lane.
- Why does the village need another tea shop when there is a bakers two doors up with a tea shop.
- Will access in Vicarage Lane provide car parking?
- At present there are 34 shops in Hoo, 8 of them are involved in the food and drink area of retail. Is there a need for another one?
- There is no provision for parking so customers will park on the corner causing obstruction.

4 letter of support has been received advising that the tea room and hardware store would be a great facility to have in the village and believe that supporting small local businesses is very important.

Development Plan Policies

The South East Plan, 2009:

Policy BE1	(Management for an Urban Renaissance)
Policy KTG1	(Core Strategy)

Medway Local Plan, 2003:

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy R18	(A2 & A3 Uses and Change of Use)
Policy T1	(Impact of Development)
Policy T13	(Vehicle Parking Standards)

Planning Appraisal

Principle

The site is located close to the centre of the village of Hoo.

The proposal also includes for a change of use from A1 to A3 within the existing ground floor accommodation of the application site. The existing A1 use will be located within the existing rear extension area so there will not be a loss of a retail use. Generally, changes of use from Class A1 to A3 (Restaurant and Café uses) at ground floor level will be permitted except where such a use would cause harm to amenity or highway considerations or where cumulatively there would be a problem caused. In this instance the proposal is not far from a public car park and any approval could be conditioned to control hours of opening.

The application site itself is located off the main High Street area of Hoo. There is a public house further down Church Street on the opposite side of the road from the site itself. It is not considered that the introduction of a small tea room would result in an unacceptable impact to the area, and being situated a suitable distance away from other such uses along the High Street would not result in a detrimental cumulative impact.

There are no objections to the principle of the change of use of the site to accommodate tea room, hardware store and office space. The application is considered acceptable under the provisions set out under Local Plan Policy R18.

Street Scene and Design

The application site is a corner plot located at the junction of Vicarage Lane and Church Street. The southern side of the property is visible from the road. There is a large shed/store located along the rear (eastern) boundary of the site, which is to be demolished as part of this proposal, to which there are no objections raised. The proposed extension itself would project from the existing rear extension, across the whole rear yard area of the site itself, finishing at the eastern boundary of the site. The proposed extension would have a pitched roof, which would be of the same height as the existing rear extension.

As the proposed extension would project across the whole rear area of the site it is considered that it would result in an overdevelopment of the site. The south elevation of the proposed extension results in a monotonous addition to the street scene in Vicarage Lane, which is unacceptable and out of character with the area.

The site has planning approval, under MC2007/1428, for a smaller extension to the rear off the existing extension to the building. There was no objection raised to this especially given the remaining area to the rear being left undeveloped. This current application includes for an additional section of development, resulting in the whole of the site being 'built upon'. This is overdevelopment of the site and out of character with other development in the area, especially given the close proximity to residential dwellings to the east of the site.

The proposed extension, in conjunction with the existing extension and that which was approved under MC2007/1428 would result in a development that is arbitrary and has a detrimental impact on the appearance of the street scene. The proposal is therefore considered contrary to the provisions set out in South East Plan Policy BE1, Structure Plan Policy QL1 and Local Plan Policy BNE1.

Amenity Considerations

The proposed extension would project from the rear elevation of the existing extension. However, it should be noted that the applicant is also the owner of number 23 (the property to the north) and that when application MC2007/1428 was submitted he included part of the rear garden of Number 23 within the red line of the application site related to the previously approved extension at 25 Church Street. There is no formal consent for the change of use of that parcel of land to the rear of 23 Church Street to be included within the curtilage of application site and certainly no consent to use that area as storage as indicated on the submitted plans. However, whilst the extension to the rear of the application property already has an overbearing impact on neighbours' amenities, due to the anomaly in land use explained above and the inclusion of part of the rear garden into the red boundary of the application site the it is not considered that the Council can justify a refusal on the impact of the proposed extension on the residential amenities of the neighbouring occupiers due to a greater mass and bulk along the common boundary.

Highways

It is considered that whilst the proposal might attract car trips in addition to the retail use, the dwell time associated with a tea and coffee house (assuming no take-away element) is likely to mean that the potential for indiscriminate parking is low. It is considered that the existing parking restrictions in the area adequately protect the junction and some distance beyond. The nearby public car park would also cater for the needs of the development. On this basis there are no objections to the proposal on highway and parking grounds and the development is in accordance with the provisions set out in Structure Plan Policy TP19 and Local Plan Polices T1 and T13.

Conclusions and Reasons for Refusal

While the principle of the A3 use is acceptable subject to conditions to protect amenity and there will be no loss of A1 use, the extensions proposed will be harmful to the character of the area. The proposal is therefore in conflict with Policies BE1 of the South East Plan and BNE1 of the Medway Local Plan and is accordingly recommended for refusal.

The application would normally be determined under delegated powers but is being referred for determination by Committee due to the extent of representations received expressing views contrary to the recommendation.

[This application was considered by Members at the Development Control Committee on the 1st July 2009, when it was determined to defer a decision to enable a Members' site visit to be held.]

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8 MC2009/0689

Date Received: 22nd May 2009

Location: Land rear of 138 Maidstone Road Chatham ME4 6EL

Proposal: Application for approval of reserved matters (landscaping) pursuant to outline permission MC2006/0133 for construction of a 3-bedroomed detached dwelling (demolition of garage)

Applicant: Mr N De Berner Unit 158 226 High Street Croydon Surrey CR9 1DF

Agent:

Ward: Rochester South & Horsted

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on 12th August 2009.

Recommendation – Approval with Conditions

1 All hard and soft landscaping works hereby approved shall be fully implemented in accordance with the approved details prior to the first occupation of the dwelling and thereafter maintained.

For the reasons for this recommendation for approval please see Planning Appraisal section and conclusions at the end of this report.

Site Description

The area surrounding the rear of no. 138 Maidstone Road is residential in character and consists of mixed design semi detached and terraced two storey properties and mixed design bungalows. There are no on street parking restrictions within the local vicinity.

The application site is to the west of no. 138 Maidstone Road to the rear of its garden / property. To the north are the rear gardens of Athelstan Road. Access onto the site is gained opposite 46 Purbeck Road. The land slopes to the east, with the neighbouring properties considerably higher. At the time of the site visit, the site had been cleared, however a great deal of rubble was retained. Boundary treatments to the rear and side consisted of a mix of close-boarded fencing and brick walls. To the highway, protective gates had been installed.

Proposal

The applicant seeks reserved matters approval for landscaping details pursuant to the outline permission MC2006/0133 for construction of a 3-bedroomed detached dwelling (with the exception of landscaping that was reserved all other matters were submitted and approved with the original outline application).

Relevant Planning History

MC2005/1705 Outline application for construction of one detached 2/3 bedroomed dwelling with undercroft parking
Withdrawn

MC2005/1706 Outline application for construction of two 2/3 bedroomed semi detached dwellings
Withdrawn

MC2006/0133 Outline application for construction of a detached 3-bedroomed dwelling (demolition of garage), approval, 26-MAY-2006

MC2006/1894 Removal of condition 11 of planning consent MC2006/0133 relating to obtaining planning permission for the creation of a vehicular access and parking area to the front of number 138 Maidstone Road, approval, 14-DEC-2006

Representations

Neighbour notification letters have been sent to the owners and occupiers of 9, 10, 11, 13, 15, 17, 19, 21, 23 and 25 Athelstan Road, 138, 140 and 142 Maidstone Road and 40, 41, 42, 43, 44, 44a, 45 and 46 Purbeck Road. A site notice has also been erected.

Three letters of representation have been received commenting upon the following points: -

- The landscaping could undermine the land adjoining,
- Loss of value,
- Impinge upon light,
- Damage to nearby vehicles,
- Highway disruption,
- Poor safety.

Development Plan Policies

South East Plan 2009

Policy BE1 (Management of an Urban Renaissance)
Policy CC4 (Sustainable Design and Construction)

Medway Local Plan 2003

Policy S4 (Landscape and Urban Design Guidance)
Policy BNE1 (General Principles for Built Development)
Policy BNE2 (Amenity Protection)
Policy BNE6 (Landscape Design)
Policy T1 (Impact of Development)
Policy T13 (Vehicle Parking Standards)

Planning Appraisal

Street Scene and Design

The site has been considered suitable for residential development as approved under MC2006/0133. Because of its suburban location, it is appropriate that the landscaping scheme should reflect this. The submitted details of the landscaping scheme do not indicate any soft landscaping to the front, however, on balance considering the level of soft landscaping provided to neighbouring dwellings and the extent of hardstanding driveways within the vicinity, this aspect of the proposal is considered acceptable.

The landscaping to the rear comprises predominantly grassed areas with a planting bed along the rear boundary. Such as layout is commonly found in domestic gardens and is considered acceptable. Furthermore, details of planting plans, specification of species and schedule of plants will have to been submitted with regards to condition 7 of MC2006/0133. Therefore, in summary, the proposed landscaping is considered acceptable and appropriate for its context and in accordance with Policies BNE1, BNE6 and S4 of the Medway Local Plan 2003 and Policies BE1 and CC4 of the South East Plan 2009.

Amenity Considerations

The siting of the proposed dwelling has been considered and approved under reference number MC2006/0133 where it was felt that there would be no detrimental impact on residential amenity in terms of loss of outlook, daylight, privacy and overshadowing. The current reserved matters application is for landscape details. As a result of the form of the proposal, this application shall not introduce a significantly detrimental impact with regards to outlook, sunlight, daylight and privacy amenity. Therefore there is no conflict with Policy BNE2 of the Medway Local Plan 2003.

Highways

The provision of hardstanding to the front would allow for a minimum of two off-road spaces as amplified by drawing 871-1/1b as received on 27th January 2006. As agreed previously, this is considered acceptable for 3-bedroomed dwellings in this urban context. In relation to the proposed vehicular accesses to the property, the landscaping details would not result in an increased danger to vehicular or pedestrian safety. There is therefore no conflict with Policies T1 and T13 of the Medway Local Plan 2003 and accordingly no objection is raised.

Conclusions and Reasons for Approval

The proposed landscaping has been well designed to reflect similar development within the local vicinity and to have a limited but acceptable impact on neighbouring amenity. The proposal therefore accords with the provisions of the above-mentioned Development Plan Policies and is recommended for approval.

The application would normally be considered under delegated powers but is being referred to Committee is because of the number of representations contrary to the recommendation.

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9 MC2009/0724

Date Received: 1st June 2009

Location: Land adjacent to Hallwood House Kestrel Road Chatham Kent

Proposal: Removal of existing garages and construction of six dwellings consisting of three 2 bedroomed and three 3 bedroomed dwellings with associated parking and 1.8m high close board fencing with secured gates

Applicant: MHS Homes Broadside Leviathan Way Chatham Kent ME5 8TQ

Agent: Mr Carter Mark Carter Design Priestfield Stadium Redfern Avenue Gillingham Kent ME7 4DD

Ward: Lordswood & Capstone

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on 12th August 2009.

Recommendation - Approval with Conditions

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 Details and samples of any materials to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.

3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied and shall thereafter be retained. Development shall be carried out in accordance with the approved details.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows shall be installed in the flank walls of plots 1 and 6 herein approved without the prior written approval of the Local Planning Authority.

5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels of contours; car parking layouts, other vehicle and pedestrian access and circulation areas; lighting along the frontage and rear of the

site; hard surfacing materials; minor artifacts and structures (e.g. refuse or other storage units, etc); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration where relevant.] Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.

6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

7 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

8 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

9 The area shown on the permitted drawings for vehicle parking shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any

Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

10 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 11 to 14 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 14 has been complied with in relation to that contamination.

11 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

12 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

13 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

14 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 12 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13.

For the reasons for this recommendation for approval please see planning appraisal section and conclusions at the end of this report.

Site Description

The site is made up of garages fronting onto Kestrel Road, with an area of grass and hardstanding directly behind. The character is mixed, with a car parking directly opposite, to the north is Hallwood House which comprises of 28 bed sits, and to the south a row of terrace houses in Cygnet Road.

To the west of the site is an area of grass that links to the square of grass to the south west of the site to the front of 21 – 29 Cygnet Road. Behind the area of grass is an area of hardstanding that does not appear to have a purpose; behind this are two flats above garages accessed from Valiant Road.

The neighbour at 37 Cygnet Road has a shed on the boundary with a 1.8m close boarded/open boarded fence; there are no flank wall windows in the house. Hallwood House has two windows in the flank facing the site; these appear to relate to landing/stairwell windows.

Proposal

Removal of existing garages and construction of six dwellings consisting of three 2 bedroomed and three 3 bedroomed dwellings with associated parking and 1.8m high close board fencing with secured gates.

The houses have been arranged in a terrace of six facing onto Kestrel Road set approx. 10.5m behind the rear wall of the garages that are being retained. Six parking spaces have been arranged to the front of the dwellings separated by grass and existing trees. The gardens to the rear are proposed to be between 7.7 and 11.5m in depth and approx. 4.5 to 6m in width. A concrete path is proposed to the rear of the houses separating them from the gardens of the flats above garages at 20 and 25 Valiant Road.

To the north the existing access is proposed to be retained, this separates the site from Hallwood House by approx. 2.5m.

Relevant Planning History

None found

Site Area/Density

Site area: 0.10 ha
Site density: 60 units per hectare

Representations

The application was advertised by a site notice and neighbour notification letters were sent to 1 – 25 Hallwood House, 17 – 25 (odds) and 14 – 20 (evens) Valiant Road, 21 – 37 (odds) Cygnet Road), 1a – 47 (inclusive) Kestrel Road, St David's Church, The Kestrel PH Kestrel Road, Kent Fire and Rescue, The Environment Agency and Kent Police.

Two individual letters of objection has been received from two properties, in summary raising the following areas of concern:

- Suffer enough noise from the shops
- Younger children have nowhere to go and use the green that is being proposed to be built on
- Hugely impact on the surrounding houses
- Cannot see how you can build 6 houses on this small piece of land

A petition has been received with 18 signatures objecting to the scheme and raising concerns over the pitch of the roof of the terrace block.

Comments from Kent Police include:

- Removal and development of the unused garages may be beneficial and residential accommodation here may afford additional surveillance and legitimate activity over the area

- Vehicle allocation of 1 space per dwelling appears slightly limited when considering that the units are either 2 or 3 bedroomed – incorporation of additional in-curtilage parking is suggested for consideration
- Plots 5 and 6 will be significantly positioned behind an existing garage block that is to be retained. Their positioning may slightly restrict surveillance onto that active frontage and courtyard effect around the existing square on Kestrel Road
- Adequate and robust lighting will be required
- Close boarded fencing to 1.8m with trellis topping to 2m is recommended for use in the rear gardens
- May be beneficial to omit proposed rear garden gates from the scheme proposal, their inclusion may leave the rear of properties more vulnerable
- Recommended a degree of set back or defensible space be incorporated between build lines and public space e.g. plot 1
- Incorporation of gable windows to plots 1 and 6 may also discourage inappropriate activity and could afford a degree of surveillance

Comments from Kent Fire and Rescue include:

- Existing access "to be retained" is of insufficient width for fire access
- Some upper floor rooms may be in excess of 45m from a fire appliance parking point particularly plot 6

Development Plan Policies

South East Plan 2009

Policy SP3	Urban focus and urban renaissance
Policy T4	Parking

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE23	(Contamination)
Policy H4	(Housing in Urban Areas)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)
Policy T13	(Vehicle Parking Standards)

Planning Appraisal

Principle

The site is located within an urban area with residential properties to either side. Policy H4 of the Local Plan says that infilling in existing residential areas will be permitted providing that a clear improvement in the local environment will result.

The development of the current site for housing purposes is considered acceptable in principle with regard to these policies. In addition, although the proposed density is high at 60 dwellings per hectare, if the development was acceptable in all other respects (to be

examined below) it is not considered that this would be unacceptable with regard to policy guidance on density. The site is served by public transport, with bus stops nearby, and is fairly close to Lordswood centre and its various services.

The loss of garages also needs to be taken into account. The applicant has supplied information on the users of the garages and advises there are 23 garages in Kestrel Road of which 2 are currently void. Of the people that responded 6 garages are used for the storage of vehicles and 6 are used for the storage of items other than a vehicle of these 12 garages just 3 are used by people that live in the immediate locality. From the information received and the fact that 9 garages will remain for use it is considered that there is no objection to the loss of the garages. In addition to this there is a large public car park, which has a maximum stay of 20 hours, which can be used for the parking of vehicles.

In summary in principle there is no overriding objection to the development of the site for residential purposes and the acceptability of the scheme will therefore rest on matters of detail.

Visual Impact

The site is located between two established residential blocks – terraces to the south and Hallwood House to the north. These adjacent houses have a solid appearance, built of brick and render with tiled roofs.

Consideration has to be given to development plan policy BNE1 of the adopted local plan. This policy seeks to ensure that the design of the development is appropriate in relation to the character, appearance and functioning of the built and natural environment by reason of its use, scale, mass, proportion, details, materials, layout and siting. Furthermore, the Council has to be satisfied that the development respects the scale, appearance and location of building-s, spaces and the visual amenity of the surrounding area. In addition to this PPS1 supports the need for good design.

The proposed terrace is of a different design to the existing housing stock in the area and of a more modern apperance while still respecting the scale of the housing in the area through the reduced ridge height seen in the amended plans.

It is unfortunate that the parking spaces have been sited at the front of the development, however this is an unavoidable consequence of modern life and the need to supply some parking. The location works well with regard to the access and on balance it is broken up with areas of soft landscaping which is considered acceptable

In summary it is considered that this design and layout would be in accordance with the advice given in Policies BNE1 and H4 of the Local Plan.

Amenity Considerations

The relationship between the proposed building and neighbouring properties must be considered. The proposed building is sited slightly forward of 37 Cygnet Road and projects approximately 1.9m further to the rear. There would be a separation distance of approximately 2.8m between the proposed building and the main sidewall of no. 37. This property does not have any flank wall windows facing onto the site and there are no windows proposed in the flank wall of plot 6 and as such it is considered that there would be no new issue with regard to overlooking or loss of privacy.

Due to the position and orientation of the block and the separation distance between plot 6 and no. 37 it is not considered that the proposed building would result in unacceptable harm to neighbours in respect of loss of light or overbearing impact.

Plot 1 is set slightly further forward of Hallwood House to the north with a separation distance of approx. 2.6m. There are two flank wall windows in Hallwood House facing towards the site one at first floor, one at ground floor, which appear, relate to landing/hallway windows. There are no flank wall widows proposed for plot 1 and it is considered that due to the siting of the windows in Hallwood House there would only be a partial view into the rear garden of plot 1. It is deemed that this is not in its own a reason for refusal due to the use of the rooms the window relates to, the oblique view from the windows and the fact that prospective occupiers of that house would move in with the knowledge of these windows. Due to the position of the block and the separation distance between plot 1 and Hallwood House it is not considered that the proposed building would result in unacceptable harm to neighbours in respect of loss of light or overbearing impact.

With regard to noise and disturbance clearly any development on the site will increase its current impact in this respect, as it is presently under-used. However it is not considered that the residential development of the site, would result in unreasonable levels of noise and disturbance for other local residents.

In summary the development is considered to be in accordance with the advice given in Policy BNE2 of the Local Plan.

Contamination

The applicant has submitted a Desk Study (Kestrel Road Garages, Chatham, Kent undertaken by Soils Limited dated 24 February 2009 (report reference: J11070) in support of their planning application. The desktop study includes a site history, site walkover, information on the geology and hydrogeology at the site. A conceptual site model has been developed for the site. The desktop study recommends that a site investigation is undertaken to support the conceptual site model.

The site is located within a source protection zone III, and as such the Environment Agency have been consulted.

The report, which has been submitted by the applicant, is acceptable, however the recommendations made in the report need to be implemented by the applicant in respect to the intrusive investigation at the site. A suitably worded condition is recommend to be placed on any approval to ensure the recommendations are implemented in accordance with the report.

Highway Considerations

The proposed development would provide for six off road spaces. This would provide for a ratio of 1 space per house. This level of parking provision is in accordance with the *maximum* adopted parking standards of an average of 1.5 spaces per dwelling across a site for all dwellings in urban areas. As with any site there can be no guarantee that future occupants would use the on-site parking provided, however it would be unreasonable to refuse permission on the basis of parking provision when the amount to be provided would

accord with adopted standards and due to the fact that there is a large car park opposite which appears to offer free unrestricted parking to motor cars.

In summary the parking and highway impact of the development is therefore considered acceptable including with regard to the advice given in Policies T1, T2, and T13 of the Local Plan and Policy T4 of South East Plan 2009.

Conclusions and reasons for approval

The proposed development will not be out of context with its surroundings and is not considered to cause any adverse negative impacts with regard to the neighbour amenities or highways and it is considered to be acceptable for the reasons outlined above. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions. The proposal therefore accords with the provisions of Policies SP3 and UTG1 of the South East Plan 2009 and Policies BNE1, BNE2, T1, T2, T13, H4 and H5 of the adopted Local Plan and the application is accordingly recommended for approval.

The application would normally fall to be determined under delegated powers but has been referred to Committee is because of the number of representations contrary to the recommendation.

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10 MC2009/0777

Date Received: 5th June 2009

Location: 45A and 45B Seagull Road Strood Rochester ME2 2RH

Proposal: Construction of three 3-bedroomed terraced houses with associated parking (demolition of two pre-fabricated bungalows)

Applicant: Mr S Stratford Broadside Leviathan Way Chatham Kent ME4 4LL

Agent: Mr Perham BHD Architects Becket House Vestry Road Sevenoaks Kent TN14 5EL

Ward: Strood South

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on 12th August 2009.

Recommendation - Approval with Conditions

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied and shall thereafter be retained. Development shall be carried out in accordance with the approved details.

3 Details and samples of any materials to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows shall be installed in the flank wall(s) of the terraced houses herein approved without the prior written approval of the Local Planning Authority.

5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include: - hard surfacing materials. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of

plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.

6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

7 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

8 No construction operations shall take place except between the hours of 08:00 and 18:00 Monday to Friday, 0900 and 1300 on Saturday, and no operations shall take place on Sundays and Bank Holidays, except with the prior written approval of the Local Planning Authority;

9 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 9 to 14 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 14 has been complied with in relation to that contamination.

10 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

11 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

12 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 11 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 12.

For the reasons for this recommendation for approval please see planning Appraisal section and conclusions at the end of this report.

Site Description

The site is located in an established residential area and currently accommodates two detached single-storey dwellings of pre-fabricated construction. Both properties front onto Seagull Road & both have pedestrian and vehicular access points. The site is relatively flat with a gentle fall from south to north. An area if amenity/green space is located to the rear of the site and a number of mature trees are present along the southern boundary with no.47 Seagull Road.

Generally the area contains two-storey residential properties of modest form and appearance and of modern construction. The site is well located with local shops, schools and transport facilities.

Proposal

This application seeks full planning permission for the construction of three 3-bed terraced houses with associated parking and the demolition of two pre-fabricated bungalows).

The proposal involves the removal of three trees that are located along the southern boundary.

Site Area/Density

Site area: 0.056 ha (0.14 acres)
Site density: 53.6 dph (21.7 dpa)

Relevant Planning History

75/770 Erect 2 space-way dwellings for elderly persons.
Approved 20 October 1975

Representations

The application has been advertised by the posting of a site notice and the individual neighbour notification of the owner/occupiers of no's 45, 47, 58, 60, and 62 Seagull Road and 22, 24 and 26 Uplands Close, Strood, Rochester. The Environment Agency has also been consulted on the application.

Three letters of representation have been received, raising the following concerns:

- Development will result in overlooking onto neighbouring properties
- Reduce light into neighbouring garden areas affecting residential amenity;
- Noise disturbance during demolition and construction.
- The proposed properties are not in keeping with the area and would look out of place.
- Loss of established trees.
- Not financially viable to build new properties, when so many are left empty.
- Parking – there will not be enough parking for the new development, causing problems for on-street parking in the area.
- Drainage – more concrete will result in more flooding.
- There is a large oil tank buried under the existing bungalows.
- The site will become over developed if the proposal goes ahead.

Development Plan Policies

The South East Plan, 2009:

Policy SP3	(Urban Focus & Urban Renaissance)
Policy CC4	(Sustainable Design & Construction)
Policy CC6	(Sustainable Communities & Character of the Environment)
Policy H5	(Housing Design & Density)
Policy T4	(Parking)

Medway Local Plan, 2003:

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE23	(Land Contamination)
Policy BNE43	(Trees on Development Sites)
Policy H4	(Housing in Urban Areas)
Policy T1	(Impact of Development)
Policy T13	(Vehicle Parking Standards)

National Guidance:

Planning Policy Statement 3: Housing

Planning Appraisal

Principle

The application site lies within the urban area of Strood where there is general acceptance of residential development of a minor nature, including infilling and reuse of land for residential development. The principle of residential development on this site is considered acceptable. The density proposed falls just outside the range of 30 – 50 dwellings per hectare recommended in government guidance PPS3 and Policy H5 of the South East Plan, although this is not considered to be significant at 53 dwellings per hectare and as such no objection is raised on this regard.

The application is considered acceptable in terms of Local Plan Policy H4 and South East Plan Policies SP3 and H5.

Street Scene and Design

Policy BNE1 of the Local Plan and Policies CC4 and CC6 of the South East Plan require new built development to respect the character of the area in which it is located. Policy H4 of the adopted Local Plan further states that the redevelopment of existing residential areas should result in a clear improvement in the local environment.

The proposed terraced houses would be located on the site of two existing pre-fabricated bungalows and would provide for three two-storey 3-bedroomed dwellings. The end-of-terraced property to the north of the site will be set approximately 1.6 metres further back than the neighbouring property at no. 45 Seagull Road. The neighbouring property to the south sits at a slight angle to the proposed terrace and sits approximately 5.6 metres away from the northern flank elevation of no.47 Seagull Road. The terraced nature of the proposal is in keeping with the general character of the area, where the built form consists of fairly modern, two-storey terraced developments set in a regular pattern, fronting onto Seagull Road. It is considered that the proposed development reflects this established pattern and form within the street scene.

In terms of design the proposed dwellings are considered to represent an attractive addition to the street scene, and an improvement to the existing pre-fabricated bungalow developments, which are in themselves out of character with the street scene. The design of terraced properties is different to the existing properties in the area, nevertheless, the area itself is of mixed design, with no one specific design characteristic and it is not considered that the proposed dwellings will result in an unattractive addition to the street scene. The new dwelling will reflect the general character of the wider area with a mixture of facing brickwork (red/brown brick), contrasting render and tiled roof (red/brown tile) with half hipped ends.

Initial concerns were raised with regard to the impact of 6 off-road parking spaces, fronting the site, would have on the character and appearance of the street scene. The continuous hard standing is similar to other developments in the area which have similar hard standing to the front. However, the applicant has agreed to replace some of the hard standing area with soft landscaping to mitigate and screen the development, creating a more attractive development on the street scene.

Overall the construction of three terraced properties, not only will have a more permanent appearance than the existing development, it will also generally result in the improvement of the visual environment. It is not considered that the redevelopment of the site will have a detrimental impact on the street scene and the design of the proposal is considered acceptable.

The application is considered to be in accordance with the provisions of Local Plan Policies BNE1 & H4 and South East Plan Policies CC4 & CC6.

Amenity Considerations

The proposal needs to be considered under the provisions of Local Plan Policy BNE2, which considers the importance of amenity protection. The proposed terrace development follows almost the same building line as the adjacent developments to the north and south, with only approximately 1.6 metres difference in building line to the rear, as such it is not considered that the development will result in loss of daylight/sunlight to neighbouring properties, and will be no higher than the adjacent developments, in fact the ridge height of no. 47 Seagull Road will be slightly higher than the proposed development itself.

The development will be located approximately 1 metres from the northern boundary, and approximately 2.3 metres from the development to the north of the application site. There are no windows proposed for the northern elevation of the development. The end of terrace to the south is located approximately 1.5 from the southern boundary, and approximately 5.6 metres from the development to the south of the application site. There are no windows proposed in the southern flank of the development. There is one window at first floor level on the northern flank of no. 47 Seagull Road. However, given the distances it is not considered that the development will result in overlooking and privacy issues, both in terms of neighbouring properties and future occupants of the dwellings.

The rear garden areas measure approximately 10.5 metres deep and are considered to be of a suitable size, providing adequate amenity provision for future occupiers of the dwellings. This along with the retention of the open amenity strip to the rear (east) of the application site there are no objections to the level of amenity space proposed as part of this application. Given the west/east orientation of dwellings along Seagull road, the development is unlikely to result in overshadowing of neighbouring garden space.

A small amount of landscaping and boundary treatment will be required to the front of the site and along the southern boundary to mitigate against the loss of three trees in order to soften the overall appearance of the development in visual amenity terms and provide additional privacy screening.

The interior layout of the dwellings are the same in each proposed dwelling and it is not considered, given the layout of rooms within the dwellings, to result in noise disturbance via the party wall.

In response to concerns raised with regard to noise caused by demolition and construction, whilst this disturbance will be temporary in nature, a condition can be included on the decision notice, should planning permission be forthcoming restricting working hours on site.

There are no objections to the proposal on amenity grounds and the proposal is considered acceptable in terms of Local Plan Policy BNE2.

Contaminated Land

The main environmental health issue associated with this site is contaminated land issues. The applicant has submitted a Desk Study, which includes a site history, site walkover, information on the geology and hydrology at the site. A conceptual site model has been developed for the site. The desktop study recommends that a site investigation is undertaken to support the conceptual site model.

As the site is located within a source protection zone III, consultation with the Environment Agency has been carried out, but no comments have been received at the time of writing this report.

Overall, the report which has been submitted by the applicant is acceptable and the recommendations made within the report should be implemented by the applicant. A suitable worded condition will be included if planning permission is forthcoming.

Overall, the proposal is considered acceptable under the provisions set out in Local Plan Policy BNE23.

Trees

The application site contains three trees on the southern boundary, which are proposed to be removed as part of this application. The submitted Tree Report indicates that two of these trees are in poor condition and the third tree is low quality with limited life span. It should be noted that the trees are positioned on top of an existing concrete retaining wall and this awkward arrangement restricts root growth and contributes to a short life span for these trees.

There are no objections to the proposal under Local Plan Policy BNE43 subject to a condition protecting all other trees on site during construction, and replacement landscaping screening along the southern boundary.

Highways

The proposal has been amended to include for three parking spaces, instead of the original 6 spaces proposed, which amounts to one space per dwelling. This is the same as the existing parking arrangements for the bungalows. The driveways will be block paved, and will be accessed via existing dropped kerb arrangements. The site is in close proximity to good transport routes and local facilities.

There are no highway safety issues as a result of this proposal and as such the application is considered acceptable in terms of Local Plan Policies T1 and T13 and South East Plan Policy T4.

Other Matters

Issues of drainage and oil tanks are a matter for consideration by Building Control and is not planning consideration in this instance. Additionally, the concern raise about financial viability of the development is not a planning consideration open to Members.

Advice has been given regarding the storage and recycling of waste for domestic properties and a suitably worded informative will be added to the decision notice.

Conclusion

The proposal represents infill development within the urban area of Strood and is acceptable in principle under the provisions set out in the Development Plan. The development is acceptable in terms of its appearance in the street scene and is not considered to result in detriment to neighbour amenity in terms of overlooking, privacy, sunlight and daylight for the reasons given above. There are no highway issues associated with this proposal. Given the above the application is recommended for approval, subject to conditions including the submission of external materials and landscaping.

The application would normally fall under Officers' delegated powers for determination but is being reported to committee due to the number of representations received.